THE

BENGAL LEGISLATIVE COUNCIL

PROCEEDINGS.

(Official Report.)

SEVENTH SESSION.

1922.

VOLUME VII—No. I.

(January 17th to 20th, 23rd to 27th, 30th and 31st, and February 1st, 6th and 7th, 1922.)

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1922.

GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble LAWRENCE JOHN LUMLEY DUNDAS, Earl of Ronaldshay, G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir HENRY WHEELER, K.C.S.I., K.C.I.E., Vice-President, in charge of the following portfolios:—

1. Appointment.
2. Political.
3. Police.
4. Ecclesiastical.
5. European Education.

The Hon'ble Sir BIJAY CHAND MAHTAB, K.C.S.I., K.C.I.E., I.O.M., Maharajadhiraja Bahadur of Burdwan in charge of the following portfolios:—

1. Land Revenue.
2. Land Acquisition.
3. Forests.
4. Irrigation.
5. Excluded areas.

The Hon'ble Mr. J. H. KERR, C.S.I., C.I.E., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and reserved Industrial subjects
4. Marine.

The Hon'ble Sir ABD-UR-RAHIM, Kt., in charge of the following portfolios:—

1. Judicial.
2. Jails.
3. Emigration.
4. Immigration.
5. Jurisdiction.

MINISTERS.

The Hon'ble Sir SURENDRA NATH BANERJEA, Kt., in charge of the following portfolios:—

Local Self-Government and Public Health.

The Hon'ble Mr. PROVASH CHUNDER MITTER, C.I.E., in charge of the following portfolio:—

Education.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur, C.I.E., in charge of the following portfolios:—

Agriculture and Public Works.

GOVERNMENT OF BENGAL.

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Nawáb Sir SYED SHAMS-UL-HUDA, K.C.I.E.

DEPUTY-PRESIDENT.

Babu SURENDRA NATH RAY.

Secretary to the Council—C. TINDALL, C.I.E., I.C.S.

Assistant Secretary to the Council—A. M. HUTCHINSON.

Additional Assistant Secretary to the Council—K. N. MAJUMDAR.

Registrar to the Council—J. W. MCKAY.

BENGAL LEGISLATIVE COUNCIL.

ALPHABETICAL LIST OF MEMBERS.

A

Addy, Babu Amulya Dhone. (Bengal National Chamber of Commerce.)
Afzal, Nawabzada K. M., Khan Bahadur [Dacca City (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Emaduddin. [Rajshahi South (Muhammadan).]
Ahmed, Khan Bahadur Maulvi Wasimuddin. [Pabna (Muhammadan).]
Ahmed, Maulvi Azaharuddin. [Bakarganj West (Muhammadan).]
Ahmed, Maulvi Rafi Uddin. [Jessore South (Muhammadan).]
Ahmed, Maulvi Yakuinuddin. [Dinajpur (Muhammadan).]
Ahmed, Mr. M. [Faridpur South (Muhammadan).]
Ahmed, Munshi Jafar. [Noakhali (Muhammadan).]
Aley, Mr. S. Mahboob. [Calcutta South (Muhammadan).]
Ali, Maulvi Syed Hossain. [Bakarganj North (Muhammadan).]
Ali, Maulvi Syed Muksood. [24-Parganas Municipal North (Muhammadan).]
Ali, Mr. Syed Erfan. [Nadia (Muhammadan).]
Ali, Mr. Syed Nasim. [24-Parganas Rural (Muhammadan).]
Ali, Munshi Amir. [Chittagong (Muhammadan).]
Ali, Munshi Ayub. [Chittagong (Muhammadan).]
Arhamuddin, Maulvi Khandakar. [Mymensingh West (Muhammadan).]
Azam, Khan Bahadur Khwaja Mohamed. [Dacca East Rural (Muhammadan).]

B

Banerjea, the Hon'ble Sir Surendra Nath. [Minister, 24-Parganas Municipal (Non-Muhammadan).]
Banerjee, Rai Bahadur Abinash Chandra. [Birbhum (Non-Muhammadan).]
Barma, Rai Sahib Panchanan. [Rangpur (Non-Muhammadan).]
Barton, Mr. H. (Anglo-Indian.)
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Beadel, Mr. C. F. (Bengal Chamber of Commerce.)
Bhattacharji, Babu Hem Chandra. (Nominated Non-Official—Labouring Classes.)
Biss, Mr. E. E. (Nominated Official.)
Bompas, Mr. C. H. (Nominated Official.)
Bose, Mr. S. M. [Mymensingh East (Non-Muhammadan).]

C

Carey, Mr. W. L. (Indian Mining Association.)
Charmakar, Babu Rasik Chandra. [Noakhali (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Babu Tankanath. [Dinajpur (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman. [Bogra (Muhammadan).]
Chaudhuri, Maulvi Shah Muhammad. [Malda *cum* Jalpaiguri (Muhammadan).]
Chaudhuri, Rai Harendranath. [24-Parganas Rural North (Non-Muhammadan).]
Chaudhuri, Sir Asutosh. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur. [Minister, Mymensingh East (Muhammadan).]
Cohen, Mr. D. J. [Calcutta South Central (Non-Muhammadan).]
Currie, Mr. W. C. (Bengal Chamber of Commerce.)

D

Das, Babu Bhismadev. (Nominated Non-official—Depressed Classes.)
Das, Mr. S. R. [Calcutta North-West (Non-Muhammadan).]
Das Gupta, Rai Bahadur Nibaran Chandra. [Bakarganj North (Non-Muhammadan).]
De, Babu Fanindralal. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
deLisle, Mr. J. A. [Dacca and Chittagong (European.)]
Dey, Mr. G. G. (Nominated Official.)
Doss, Rai Bahadur Pyari Lal. [Dacca City (Non-Muhammadan).]
Dutt, Mr. Ajoy Chunder. [Bankura East (Non-Muhammadan).]
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta North Central (Non-Muhammadan).]
Dutta, Babu Annada Charan. [Chittagong (Non-Muhammadan).]
Dutta, Babu Indu Bhushan. [Tippera (Non-Muhammadan).]
Duval, Mr. H. P. (Nominated Official.)

F

Faroqui, Mr. K. G. M. [Tippera (Muhammadan).]
Forrester, Mr. J. Campbell. [Presidency and Burdwan (European).]
French, Mr. F. C. (Nominated Official.)

G

Ghatak, Rai Bahadur Nilmani. [Malda (Non-Muhammadan).]
Ghose, Mr. D. C. [24-Parganas Rural South (Non-Muhammadan).]
Ghose, Rai Bahadur Jogendra Chunder. (Calcutta University.)

Goode, Mr. S. W. (Nominated Official.)
Gordon, Mr. A. D. (Indian Tea Association.)
Gupta, Mr. J. N., M.B.E. (Nominated Official.)

H

Haq, Maulvi A. K. Fazl-ul. [Khulna (Muhammadan).]
Haq, Shah Syed Emdadul. [Tippera (Muhammadan).]
Hindley, Lt.-Col. C. D. M. (Nominated Official.)
Hopkyns, Mr. W. S. (Nominated Official.)
Huntingford, Mr. G. T. (Nominated Official.)
Huq, Maulvi Ekramul. [Murshidabad (Muhammadan).]
Hussain, Maulvi Md. Madassur. [Burdwan Division North (Muhammadan).]

J

James, Mr. R. H. L. Langford. (Indian Jute Mills Association.)
Janah, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]

K

Karim, Maulvi Abdul. [Faridpur North (Muhammadan).]
Karim, Maulvi Fazlul. [Bakarganj South (Muhammadan).]
Kerr, the Hon'ble Mr. J. H. (Member, Executive Council.)
Kesteven, Sir Charles Henry. (Expert Member.)
Khaitan, Babu Devi Prosad. (Nominated Non-Official.)
Khan, Babu Debendra Lal. [Midnapore North (Non-Muhammadan).]
Khan, Maulvi Hamid-ud-din. [Rangpur East (Muhammadan).]
Khan, Maulvi Md. Rafique Uddin. [Mymensingh East (Muhammadan).]
Khan, Mr. Razaur Rahman. [Calcutta North (Muhammadan).]
Khan Chaudhuri, Khan Bahadur Maulvi Md. Ershad Ali. [Rajshahi North (Muhammadan).]

L

Lang, Mr. J. (Nominated Official.)
Larmour, Mr. F. A. (Calcutta Trades Association.)
Law, Raja Reshee Case. (Bengal National Chamber of Commerce.)

M

Maharajadhiraja Bahadur of Burdwan, the Hon'ble. (Member, Executive Council.)
Makramali, Munshi. [Noakhali (Muhammadan).]
Mallik, Babu Surendra Nath. [Calcutta South (Non-Muhammadan).]

McKenzie, Mr. D. P. (Indian Jute Mills Association.)
Mitra, Rai Bahadur Mahendra Chandra. [Hooghly Municipal (Non-Muhammadan).]
Mitter, the Hon'ble Mr. Provash Chunder. (Minister, Presidency Landholders.)
Moitra, Dr. Jatindra Nath. [Faridpur North (Non-Muhammadan).]
Morgan, Mr. G. (Bengal Chamber of Commerce.)
Mukharji, Babu Satish Chandra. [Hooghly *cum* Howrah Rural (Non-Muhammadan).]
Mukherjee, Babu Nitya Dhon. [Hooghly Municipalities (Non-Muhammadan).]
Mukherji, Professor S. C. Nominated Non-Official—The Indian Christian Community.)
Mukhopadhya, Babu Sarat Chandra. [Midnapore South (Non-Muhammadan).]
Mullick, Babu Nirode Behary. [Bakarganj South (Non-Muhammadan).]

N

Nakey, Mirza Muhammad Ali. [24-Parganas Municipal South (Muhammadan).]
Nasker, Babu Hem Chandra. [24-Parganas Rural Central (Non-Muhammadan).]

P

Pahlowan, Maulvi Md. Abdul Jubbar. [Mymensingh West (Muhammadan).]
Pal, Rai Bahadur Radha Charan. [Calcutta East (Non-Muhammadan).]
Poddar, Babu Keshoram. (Bengal Marwari Association.)
Pugh, Colonel A. J. [Presidency and Burdwan (European).]

R

Rae, Mr. W. R. [Presidency and Burdwan (European).]
Raheem, Mr. Abdur. (Nominated Non-Official.)
Rahim, the Hon'ble Sir Abd-ur. (Member, Executive Council.)
Raikat, Mr. Prasanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rauf, Maulvi Shah Abdur. [Rangpur West (Muhammadan).]
Ray, Babu Bhabendra Chandra. [Jessore North (Non-Muhammadan).]
Ray, Babu Surendra Nath. [Deputy-President, 24-Parganas Municipal South (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
Ray, Rai Bahadur Upendra Lal. (Chittagong Landholders.)
Ray Chaudhuri, Babu Brojendra Kishor. (Dacca Landholders.)

Ray Chaudhuri, Mr. Krishna Chandra. (Nominated Non-Official—Labouring Classes.)
Ray Choudhury, Raja Manmatha Nath. [Mymensingh West (Non-Muhammadan).]
Robinson, Major-General W. H. B. (Nominated Official.)
Roy, Babu Jogendra Krishna. [Faridpur South (Non-Muhammadan).]
Roy, Babu Jogendra Nath. [Dacca Rural (Non-Muhammadan).]
Roy, Babu Nalini Nath. [Jessore South (Non-Muhammadan).]
Roy, Maharaja Bahadur Kshaunish Chandra. [Nadia (Non-Muhammadan).]
Roy, Mr. Bijoy Prosad Singh. [Burdwan (Non-Muhammadan).]
Roy, Mr. J. E. (Bengal Chamber of Commerce.)
Roy, Mr. Tarit Bhusan. (Bengal Mahajan Sabha.)
Roy, Rai Bahadur Lalit Mohan Singh. (Burdwan Landholders.)
Roy, Raja Maniloll Singh. [Burdwan (Non-Muhammadan).]
Roy Chaudhuri, Babu Sailaja Nath. [Khulna (Non-Muhammadan).]

S

Salam, Khan Bahadur Abdus. [Jessore North (Muhammadan).]
Sarkar, Babu Jogesh Chandra. [Rangpur (Non-Muhammadan).]
Sarkar, Babu Rishindra Nath. [Bankura West (Non-Muhammadan).]
Sinha, Babu Surendra Narayan. [Murshidabad (Non-Muhammadan).]
Skinner, Mr. H. E. (Bengal Chamber of Commerce.)
Spry, Mr. H. E. (Nominated Official.)
Stark, Mr. H. A. (Anglo-Indian.)
Stephenson, Mr. H. L. (Nominated Official.)
Suhrawardy, Dr. A. [Dacca West Rural (Muhammadan).]
Suhrawardy, Dr. Hasan. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Suhrawardy, Mr. Huseyn Shaheed. [Burdwan Division South (Muhammadan).]
Swan, Mr. J. A. L. (Nominated Official.)

T

Travers, Mr. W. L. [Rajshahi (European).]

W

Walsh, Mr. C. P. (Nominated Official.)
Watson-Smyth, Sir R. M. (Bengal Chamber of Commerce.)
Wheeler, the Hon'ble Sir Henry. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Nominated Official.)

THE BENGAL LEGISLATIVE COUNCIL.

PROCEEDINGS.

(Official Report of the Seventh Session.)

VOLUME VII.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 17th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the three Members of the Executive Council (the Hon'ble the Maharajadhiraja Bahadur of Burdwan being absent), two Hon'ble Ministers (the Hon'ble the Nawab Sáiyid Nawab Alí Chaudhuri Khan Bahadur being absent), and 99 nominated and elected members.

Oaths.

The following members made an oath of their allegiance to the Crown:—

Mr. H. E. SPRY.
Mr. C. P. WALSH.
Mr. G. T. HUNTINGFORD.
Mr. J. N. GUPTA.
Sir CHARLES HENRY KESTEVEN.
Babu DEVI PROSAD KHAITAN.
Mr. H. E. SKINNER.

Appointment of panel of Chairmen.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): In accordance with the provisions of Rule 3 of the Bengal Legislative Council Rules, 1920, the President has nominated the following members of Council to form a panel of four Chairmen, namely:—

Sir Asutosh Chaudhuri,
Sir R. M. Watson-Smyth,
Rái Radha Charan Pal Bahadur, and
Maulvi A. K. Fazl-ul Haq.

Unless otherwise arranged, the senior member among them present, in the above order, will preside over the deliberations of this Council in the absence of the President and the Deputy-President.

Starred Questions

(to which oral answers were given).

Sanitary inspectors of local bodies.

*1. **Nawabzada K. M. AFZAL, Khan Bahadur:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether any proposal for re-casting the pay of the sanitary inspectors employed under district boards and municipalities outside Calcutta is under consideration?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): The answer is in the negative. Under section 33 of the Local Self-Government Act, district boards are competent to revise the pay of their sanitary inspectors, subject to the approval of the Commissioner of the Division, while as regards municipalities, Government do not propose at present to re-grade these posts.

Expenditure on tours of Hon'ble Members and Ministers.

*11. **Mr. TARIT BHUSAN ROY:** Will the Hon'ble the Member in charge of the Department of Finance be pleased to lay on the table a statement showing—

(*i*) the total number of tours made by each of the several members of the Executive Council and the Ministers; and

(*ii*) the amounts spent up to date in connection with the tours of each of such Members or Ministers?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. Kerr): (*i*) and (*ii*) A statement giving the information asked for, so far as it is available, is laid on the Library table. Journeys to and from Darjeeling are included. The figures of expenditure are not final, but represent only the amounts paid to the Railways for haulage of railway carriages, which have been adjusted up to date by the Accountant-General, Bengal, through the Exchange accounts.

Financial affairs of the Calcutta University.

*12. **Babu DEVENDRA LAL KHAN:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state

what effect, if any, has been given to the resolution for instituting an inquiry into the financial affairs of the Calcutta University as passed in this Council during the August-September session last?

(*b*) If no effect has as yet been given, will the Hon'ble the Minister be pleased to state the reasons for this delay?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) and (*b*) Copies of the Council discussion on the resolution have been forwarded to the University, and the views of the University have been invited. When these are received the Minister proposes to decide what action shall be taken.

Police Sergeants, Calcutta.

*IV. **Mr. BIJOY PROSAD SINGH ROY:** Will the Hon'ble the Member in charge of the Police Department be pleased to state—

(*i*) what is the strength of the sergeants in the Calcutta police;

(*ii*) of what nationality are they and how are they recruited;

(*iii*) whether there are any Hindu or Muhammadan sergeants;

(*iv*) what amount is spent on the pay of the sergeants in the Calcutta police; and

(*v*) what are the maximum and minimum rates of pay of the sergeants of that force?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*i*), (*ii*), (*iii*) and (*iv*) Reference is invited to the answer given on the 4th July, 1921, to a question asked by Rai Dr. Haridhan Dutt Bahadur.

(*iv*) The amount is about Rs. 2,80,000 per annum.

Unstarred Questions

(answers to which were laid on the table).

Medical education.

1. **Babu AMULYA DHONE ADDY:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what steps, if any, have been taken for the encouragement of medical education in Bengal?

The Hon'ble Sir SURENDRA NATH BANERJEA: A Committee was recently appointed by Government to advise as to the steps to be taken for the establishment of medical schools for the training of qualified medical practitioners to practise in rural areas. An *ad interim* report has been submitted by the Committee, but their final recommendations are still awaited. A new medical school has already been started at Burdwan; land is being acquired for a school at Mymensingh.

Slaughter and mortality of cows and cattle.

2. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the respective number of calves, cows and bullocks slaughtered in the municipal slaughter-houses and other places in Bengal; and

(*ii*) the rates of mortality of cattle in Bengal,

during the last 5 years, respectively?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) A statement giving the desired information, as far as possible, is laid on the Library table.

(*ii*) A statement is laid on the table.

Statement referred to in clause (ii) above showing the number of deaths of cattle from contagious diseases.

1916-17	...	...	... 8,232
1917-18	...	...	... 26,208
1918-19	...	...	... 15,234
1919-20	...	...	... 14,644
1920-21	...	...	... 19,344

Babu AMULYA DHONE ADDY: Regarding the statement which is laid on the table, I want to have the statement printed and circulated to all the members instead of having it simply laid on the table.

The Hon'ble Sir SURENDRA NATH BANERJEA: That is not a *bona fide* question but a statement made by the member. I do not think that under the rules the member is entitled to make a statement.

Babu AMULYA DHONE ADDY: May I ask whether the Hon'ble Minister will be kind enough to have the statement printed and circulated to all the members of the Council?

The Hon'ble Sir SURENDRA NATH BANERJEA: I require notice of that question.

Action taken by municipalities under section 200 of Bengal Act III of 1884.

3. Khan Bahadur Maulvi WASIMUDDIN AHMED: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement in tabular form showing the results of action taken under section 200 of the Bengal Municipal Act by the various municipalities of Bengal during the period 1909 to 1919.

Heads of Tab...

1. The name of the municipality.
2. Nature and description of the works undertaken
3. The amount of expenditure.
4. Who paid the cost?
5. At whose initiative the work was taken up?
6. How long the property or lands improved were kept in possession of the municipality and what uses were made of the land?
7. Are there any more insanitary places within the municipality requiring improvement?
8. If so, why no action has yet been taken under that section?
9. Report of the Chairman as to the operation of that section in his municipality.

The Hon'ble Sir SURENDRA NATH BANERJEA: The information is laid on the Library table.

Dacca University.

4. Maulvi YAKUINUDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state how many Honours students there are in the Dacca University in the I.A. and B.Sc., and how many students in the M.A. classes?

(*b*) How many Honours students are taught by Mr. Langley?

(*c*) What is the pay of Mr. Turner, the Librarian?

(*d*) Was no Indian available for this post on a lesser salary?

(*e*) What is the pay of the Librarian of the Calcutta University, and what are his qualifications?

The Hon'ble Mr. P. C. MITTER: (*a*) There are 193 students in the I.A. Honours classes, and 56 students in the B.Sc. Honours classes. There are 117 students in the M.A. classes.

(*b*) Five.

(*c*) Mr. Turner occupies the joint post of Provost of Dacca Hall and Librarian of the University and in addition is an Honorary Lecturer in English. His pay is Rs. 1,750, that is Rs. 150 less than the pay which he was receiving as Principal of Dacca College, and would have received if he had accepted transfer to the Principalship of any other College.

(*d*) The University have informed Government that no Indian gentleman was available for the combined post occupied by Mr. Turner on a lower salary.

(*e*) His pay is Rs. 150—10—200 per mensem. He is an M.A. of the Calcutta University.

Tea Gardens Board of Health.

5. Rai Sahib PANDHANAN BARMA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to say whether there is a proposal for creating a "Tea Gardens

Board of Health" on the model of the Asansol Mines Board of Health, for the tea garden area of the Jalpaiguri district?

(*b*) If so, is it a fact that it is proposed that a part of the Public Works cess of the district of Jalpaiguri, which used to be included in the income of the district board of Jalpaiguri, should be allotted to the said board for making sanitary and medical arrangements in that area over which the district board will have no control?

(*c*) Will the Hon'ble the Minister be pleased to state—

(*i*) under what provisions of which law the Board will be formed and who will be the members thereof;

(*ii*) whether the said members will be elected or nominated and by whom; and

(*iii*) whether the District Board of Jalpaiguri will be represented by the tea planters?

(*d*) Are the Government considering the desirability of bringing the Duars within the jurisdiction of the District Board of Jalpaiguri?

(*e*) Will the Hon'ble the Minister be pleased to lay on the table all the papers relating to the subject, including the proceedings of the Conference held in October current at Darjeeling over which the Hon'ble the Minister presided?

(*f*) Will the Hon'ble the Minister be pleased to lay on the table the names, with professions, of the members of the District Board of Jalpaiguri?

(*g*) What is the total income of the Asansol Mines Board of Health and what is the total expenditure incurred in maintaining the inspecting staff under it, including the Chief Sanitary officer?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The answer is in the affirmative.

(*b*) No. The District Board may however make a contribution.

(*c*) (*i*) and (*ii*) The member is referred to clauses (5) and (6) of the draft Bill, a copy of which is laid on the Library table.

(*iii*) No decision has yet been arrived at, but it was agreed at the Conference held at the Town Hall, Darjeeling, on the 21st October, 1921, at which the Bengal Tea Gardens Public Health was discussed, that clause (6) of the Bill should be so amended as to provide that the members of the proposed Board of Health should include at least one representative of the Jalpaiguri District Board.

(*d*) The area is already within the jurisdiction of the Jalpaiguri District Board.

(*e*) Papers are laid on the Library table.

(*f*) A statement is laid on the table.

(*g*) The total income of the Asansol Mines Board of Health for the year 1920-21 was Rs. 66,452-1-3; the total expenditure incurred in maintaining the inspecting staff under the Asansol Mines Board of Health including the Chief Sanitary Officer during that year was Rs. 30,892-5-5.

Statement referred to in the reply to clause (f) of unstarred question No. 5, showing the names, with professions, of the members of the Jalpaiguri District Board.

	Name.	Profession.
1.	The senior Assistant to the Deputy Commissioner.	
2.	The Subdivisional Officer of Alipur Duars.	
3.	The Civil Surgeon, Jalpaiguri.	
4	The Superintendent of Police, Jalpaiguri.	
5.	The Deputy Inspector of Schools, Jalpaiguri.	
6.	The Hon'ble Mr. Aminar Rahman* (deceased).	
7.	Khan Bahadur Maulvi Musharuff Hossain ...	Big jotedar and tea garden proprietor.
8.	Rai Kalipada Banarji Bahadur	Government pleader.
9.	Babu Jagat Ballav Biswas† (since resigned) ...	Manager, Chaklajat Estate.
10.	Babu Bipulendra Nath Banarji	Mukhtear, Baikunthapur Estate.
11.	Mr. G. L. Haig	Manager, Kumai Tea Estate.
12.	Mr. G. Turbett	Manager, Kurti Tea Estate.
13.	Mr. E. G. Luard	Manager, Choonabhati Tea Estate.
14.	Mr. J. A. Polwhele	Manager, Bengal Duars Railway.
15.	Babu Panchanan Biswas	Pleader.
16.	Mr. G. McIntosh	Manager, New Lands Tea Estate.

* A notification appointing Maulvi Kamiruddin Ahmed, Muktear and Jotedar, in his place has been published in the Gazette.

† A notification appointing Babu Jatindra Mohan Sen Gupta, present Manager of the estates, in his place has been published in the Gazette.

Beliaghata bone mills.

6. Babu HEM CHANDRA NASKER: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the inconvenience and nuisance felt by the people of the locality owing to the insanitary condition in which the five bone mills are worked at Beliaghata (under the jurisdiction of the Maniktala Municipality) and especially when steam is let out from these mills?

(*b*) Is it a fact that cart-loads of bones are carried along the Beliaghata main road during the greater part of the day to the mills in an insanitary and unsecured condition?

(*c*) What steps, if any, have been taken to put a stop to the nuisance complained of?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Four of the mills in the locality near the Beliaghata main road are within the jurisdiction of the Maniktala Municipality. The Chairman of the Municipality reports that they are a source of nuisance and inconvenience to the residents of the locality, specially when steam is let out from them. The bone mill at Chingrihatta, which is within the jurisdiction of the 24-Parganas District Board, is not reported to be a source of nuisance.

(*b*) The Chairman of the Maniktala Municipality reports that this is sometimes the case.

(*c*) The Municipal Commissioners are contemplating action under section 262 of the Bengal Municipal Act against the offending proprietors of the mills.

Expenditure on sanitation and water-supply.

7. Mr. D. C. GHOSE: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing, district by district, the amount of the Public Works cess and the amounts spent on sanitation including water-supply for each district during the year 1920-21?

The Hon'ble Sir SURENDRA NATH BANERJEA: A statement is laid on the table.

Statement referred to above showing the net Public Works cess receipts and expenditure on sanitation by district boards during 1920-21.

	Public Works Cess.	Expenditure on sanitation including water-supply and drainage.
	Rs.	Rs.
Burdwan	3,03,051	64,798
Birbhum	78,547	40,233
Bankura	54,071	14,956
Midnapore	2,21,001	34,989
Hooghly	1,18,538	23,403
Howrah	41,536	12,615
24-Parganas	2,52,231	54,489
Nadia	98,352	62,580
Murshidabad	89,612	25,852
Jessore	1,10,331	1,24,305
Khulna	1,32,314	25,393
Dacca	1,56,099	42,837
Mymensingh	2,64,731	60,465
Faridpur	1,12,528	43,180
Bakarganj	2,93,417	49,703
Chittagong	1,22,239	12,702
Tippera	1,39,368	33,488
Noakhali	1,18,733	21,702
Rajshahi	1,59,067	49,936
Dinajpur	1,14,726	36,515
Jalpaiguri	1,15,766	24,808
Rangpur	1,68,745	18,065
Bogra	63,667	12,669
Pabna	83,478	15,167
Malda	58,244	11,084
Darjeeling (Road Committee) ...	28,109	9,832

Projected railways.

8. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether the annual list of new branch Railways recommended by the Provincial Government, and arranged in order of importance, has been drawn up for the year 1922-23 for submission to the Government of India?

(*b*) If so, will the Hon'ble the Minister be pleased to lay a copy of the said list on the table?

(*c*) Are the Government considering the desirability of giving an opportunity to this Council of considering the list before it is finally adopted or forwarded to the Government of India?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) Yes: the statement prepared for the year 1921-22 was recommended without alteration for the year 1922-23 and the Government of India was informed accordingly in October, 1921.

(*b*) A copy of the statement for the year 1921-22 is laid on the table.

(*c*) In the circumstances stated, the question does not arise.

Statement referred to in clause (b) of unstarred question No 8, showing projected lines of Railways in the Presidency of Bengal arranged in the order of urgency and importance which are recommended for inclusion in the programme of railway construction for the year 1921-1922.

1. Vishnupur-Calcutta Chord Railway.
2. Hooghly Bridge Connection Railway.
3. Broad-gauge Extension to Siliguri.
4. Nator-Rampur-Boalia-Godagari Railway.
5. Mymensingh-Tangail-Porabari or Elashin with a branch to Singjhani

or

6. Mymensingh to a point on the Jamuna River opposite Serajganj

and

7. Line between Jamalpur and Tangail

or

Tangi-Gopalpur Jamalpur Railway.

8. Contai Road Contai Railway.
9. Patna District Feeder Railway (Ishurdi to Sadhuganj).
10. Raiganj Titalia Siliguri Railway (through Thakurgaon desirable).

11. Sainthia Berhampore Railway (5 feet 6 inches), or Kandi Branch Railway (2 feet 6 inches) or Sainthia Khagraghat Railway (2 feet 6 inches).
12. Satkhira Bongong Railway.
13. Rajapur Ramchandrapur Railway (Comilla Sreemaddi Railway).
14. Krishnagar Jellinghee Railway.
15. Udairampur Raipur Railway.
16. Malda Santahar Railway.
17. Serajganj Bogra Railway.
18. Chittagong Maungdaw Railway.

Tour expenses of Hon'ble Members and Ministers.

9. Babu JOGENDRA NATH ROY: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state how much money has been spent on the tour of each Minister and each Member of the Executive Council during the last eight months?

The Hon'ble Mr. KERR: The member is referred to the reply to a starred question on the subject put by Mr. Tarit Bhusan Roy at this meeting.

Slaughter of cows.

10. Rai LALIT MOHAN SINGH ROY Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of cows, bullocks, calves and heifers that are annually slaughtered in Calcutta and in mufassal slaughter-houses?

(*b*) Are the Government considering the desirability of taking action to put a stop to the slaughter of prime cows, calves and heifers?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The member is referred to the statement laid on the Library table in reply to a similar question asked by Babu Amulya Dhone Addy at this meeting.

(*b*) The answer is in the negative.

Babu AMULYA DHONE ADDY: The answer to my question (*b*) is that the answer is in the negative. May I ask the Hon'ble Minister why the answer is in the negative?

The Hon'ble Sir SURENDRA NATH BANERJEA: It ought to be in the negative and, therefore, it is in the negative.

Babu AMULYA DHONE ADDY: May I ask the Hon'ble Minister whether the Government thinks it undesirable to stop the slaughter of prime cows?

The Hon'ble Sir SURENDRA NATH BANERJEA: That again is a matter of opinion and it is not covered by the rules.

Tollygunge Municipality.

11. Babu RISHINDRA NATH SARKAR: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether it is a fact that the appointment of nominated Commissioners to the Tollygunge Municipal Board have hitherto been made from the Tollygunge and Mollahat wards of the municipality since its creation nearly 21 years ago?

(*b*) Is the Hon'ble the Minister aware that by such appointments these two wards have had on the Board three Commissioners each (including the elected Commissioners) or one-third of the number of Commissioners fixed for the Tollygunge Municipality while the rest had only one representative each?

(*c*) Are the Government considering the desirability of removing the inequalities at the time of the next appointment of nominated Commissioners?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) Government have no information as regards the place of residence by wards of the gentlemen nominated as Commissioners of the Tollygunge Municipality during the last 21 years.

(*c*) No. These appointments have always been based on suitability for nomination and not on residence within a particular ward. The seats of elected Commissioners are allocated to different wards on the basis of population, area and rates. In appointing Commissioners, Government have regard to the representation of special interests, and aim at redressing any inequalities in representation which the elections may have produced. Government also select persons of influence or position who may be unwilling to go to the polls, but are likely to render useful service on the Municipal Board. The utility of the nominated minority would be impaired, if purely a ward basis of selection were followed.

Sanitary tank at Gadda (Kandi).

12. Babu SURENDRA NARAYAN SINHA: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state why the excavation of a proposed sanitary tank by the District Board of Murshidabad in Gadda, village of Kandi Subdivision, is being delayed?

(*b*) If the excavation of the tank is not taken up, is there any likelihood of the sanctioned money lapsing?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The estimate for the excavation of a tank was sanctioned at a meeting of the District Board, held on the 24th of March, 1919, and the proposal for land acquisition was sent up to the Collector in that year. There

has unfortunately been great delay over the acquisition case which is still pending. Fresh plans are being prepared giving the correct boundaries and necessary references. As soon as these are received prompt steps will be taken for acquiring the land.

(*b*) The Chairman reports as follows:—

"The budget does not provide separate sums for individual wells and tanks but only a lump allotment for water-supply is made, in which sanctioned estimates of previous years are also included, so there is no likelihood of the allotment lapsing."

Service of processes of criminal courts through union boards.

13. Babu FANINDRALAL DE: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state whether it is a fact that processes of criminal courts are being served in some places through the agency of the union boards started in those places?

(*b*) Will the Hon'ble the Member be pleased to state whether any saving in the expenses of such service is effected by this arrangement?

(*c*) If so, are the Government considering the desirability of making a grant to the union boards concerned, of an amount equivalent to such saving?

The Hon'ble Sir HENRY WHEELER: (*a*) The system of serving certain revenue and criminal processes through the chaukidari agency is in force in certain areas.

(*b*) From inquiries made in 1916, it appeared that the total cost of serving processes at that time through chaukidars, slightly exceeded the savings effected by a rduction in the number of process-serving peons.

(*c*) No. A fee of two annas for each process served is paid to the union boards.

Case of Gopendra Lal Ray of the Pragpur dacoity case.

14. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that one Gopendra Lal Ray, an accused in the Pragpur dacoity case, was sentenced to transportation for eight years by the Special Tribunal at Krishnagar (Bengal) in the year 1915, and was sent to the Andamans;

(*ii*) whether it is a fact that he was transferred from the Andamans to the Coimbatore Central Jail in the Madras Presidency and thence to the Alipore Central Jail;

(*iii*) whether he was transferred to the Alipore jail for his good conduct or release or for any other reason;

(*iv*) if the transfer to the Alipore jail was for release why he is still in jail; and

(*v*) whether his conduct was satisfactory during the period he was in the Andamans and Coimbatore?

(*b*) If the answer to (*a*) (*v*) is in the negative, will the Hon'ble the Member be pleased to lay on the table a statement showing the history of his jail conduct?

(*c*) Are the Government considering the advisability of releasing him at an early date?

(*d*) Did he himself apply for the transfer to the Alipore jail or was he consulted before such transfer?

(*e*) If the answer to (*d*) is in the negative will the Hon'ble the Member be pleased to state why such transfer was made?

(*f*) Is it not a fact that he showed dissatisfaction for this transfer and asked for retransfer in his petition to the Government of India?

(*g*) Did he petition the Government of India assuring his future good conduct?

(*h*) Is it a fact that an officer saw him in the Alipore Central Jail on behalf of the Government of Bengal and was assured of the good conduct of the petitioner?

(*i*) Was there any proposal for his release?

(*j*) If so, why was that proposal withdrawn?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) (*i*) and (*ii*) The answer is in the affirmative.

(*iii*), (*iv*) and (*d*), (*e*), (*i*) and (*j*) Information regarding these transfers was given on the 4th July, 1921, in answer to a question XXVII (*b*) asked by Babu Kishori Mohan Chaudhuri. The question of this prisoner's release was considered at the end of 1920, but it was not considered desirable to extend this concession to him.

(*a*) (*v*) and (*b*) There are no punishments recorded on his jail ticket.

(*c*) No.

(*f*) In his petition asking to be released he requested that if this was not done he might be sent back to the Andamans.

(*g*) Yes.

(*h*) He was interviewed by an officer of Government to whom he professed to be penitent.

Subdivisional Officers.

15. Rai RADHA CHARAN PAL Bahadur: Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing the number of Subdivisional Officers in the various districts of Bengal and the distribution of these appointments among the members of the Indian Civil Service and the Bengal Civil Service respectively?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): A statement is laid on the table showing the distribution of officers as it stood on the 1st January, 1922.

Statement referred to in the answer to unstarred question No. 15.

Name of District.	Number of Subdivisional Officers.		Total.
	Indian Civil Service.	Bengal Civil Service.	
Burdwan	1	3	4
Birbhum	...	2	2
Bankura	...	2	2
Midnapore	1	3	4
Hooghly	...	3	3
Howrah	...	2	2
24-Parganas	2	3	5
Nadia	...	5	5
Murshidabad	1	3	4
Jessore	...	5	5
Khulna	...	3	3
Dacca	2	3	5
Mymensingh	...	6	6
Faridpur	...	4	4
Bakarganj	...	5	5
Chittagong	...	3	3
Tippera	1	3	4
Noakhali	...	2	2
Chittagong Hill Tracts ...	...	3	3
Rajshahi	...	3	3
Dinajpur	...	3	3
Jalpaiguri	...	1	1
Rangpur	...	4	4
Bogra	...	1	1
Pabna	1	1	2
Darjeeling	1	2	3
Total ...	10	78	88

Nautical education.

16. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Marine Department be pleased to state what steps, if any, have been taken for the encouragement of nautical education in Bengal?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Mr. Kerr): The member is referred to the speech made by me on the resolution moved by Babu Annada Charan Dutta in this Council on the 25th November, 1921.

Military education.

17. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Political Department be pleased to state what steps, if any, have been taken for the introduction of military education in Bengal?

The Hon'ble Sir HENRY WHEELER: Attention is invited to the reply given to unstarred question No. 54 asked at the meeting of the Council of the 29th August, 1921. An advisory committee has been constituted and an Adjutant has been appointed to the battalion. Details of organisation are being worked out by them.

Cattle welfare.

18. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, have been taken in Bengal—

(*i*) for the provision of stud-bulls;

(*ii*) for the provision of grazing grounds; and

(*iii*) for the establishment of charitable veterinary dispensaries?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): The member is referred to the replies given to questions 4 (*c*) (*i*), (*ii*) and (*iii*) asked by him at the Council meeting of the 7th February, 1921.

Babu AMULYA DHONE ADDY: I know what has been done up to the 7th of February last as I was favoured with a reply on that date, but I want to have information as to what further steps have been taken since that date.

SECRETARY to GOVERNMENT, AGRICULTURE and INDUSTRIES DEPARTMENT (Mr. J. A. L. Swan): No further steps have been taken.

Babu AMULYA DHONE ADDY: It is most regrettable.

Standing Committees.

19. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing the number of sittings of each of the existing Standing Committees of the Legislative Council of Bengal?

The Hon'ble Sir HENRY WHEELER: A statement giving the information from April to the end of October, 1921, is laid on the table.

Statement referred to in the reply to unstarred question No. 19, showing the number of sittings of the Standing Committees of the Bengal Legislative Council up to 31st October, 1921.

Department to which the Standing Committee is attached.	Number of sittings.
Police	3
Judicial	1
Jails	3
Local Self-Government	6
Medical and Public Health	6
Education	5
Commerce	Nil
Marine	1
Public Works (Roads and Buildings) ...	Nil
Irrigation	1
Agriculture	4
Excise	2
Land Revenue	4

Alleged conduct of a high official on under-trial "Santisenas" of Faridpur.

20. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Political Department be pleased to state whether it is a fact that a high official kicked some under-trial *Santisenas* for refusing to come back to Bhanga on foot from the Faridpur Jail?

The Hon'ble Sir HENRY WHEELER: Government are unable to give any answer to a vague question of this chara[illegible]

Conciliation panel.

21. Mr. BIJOY PROSAD SINGH ROY: Will the Hon'ble the Member in charge of the Department of Commerce be pleased to lay on

the table a statement of the work performed by the conciliation panel, instituted on the 29th August, 1921, under the Government of Bengal Resolution No. 3268-Com., since its formation?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. Kerr): Since the constitution of the panel no necessity has arisen for invoking the services of its members.

Alleged flogging of political prisoners at Faridpur Jail.

22. Rai HARENDRANATH CHAUDHURI: (*a*) Is the Hon'ble the Member in charge of the Judicial Department aware that some political prisoners have been flogged at the Faridpur Jail?

(*b*) Is it a fact that they were flogged because they refused to *salam* the Magistrate?

(*c*) If the answer to (*b*) is in the negative and to (*a*) is in the affirmative, will the Government be pleased to state for what offence they were so flogged?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) Yes.

(*b*) No.

(*c*) The facts have been stated in the *communiqué* published on the 3rd January, 1922.

Rai HARENDRANATH CHAUDHURI: May I ask the Hon'ble Member for what particular breach of discipline the men were punished?

The Hon'ble Sir ABD-UR-RAHIM: As was published in the *communiqué* they were punished for not obeying certain orders.

Rai HARENDRANATH CHAUDHURI: What was the particular order?

The Hon'ble Sir ABD-UR-RAHIM: I must have notice of that question.

Military pickets in Calcutta.

23. Mr. AJOY CHUNDER DUTT: Will the Hon'ble the Member in charge of the Political Department be pleased to state the circumstances which led Government to place the military pickets in Calcutta during the second week of December last?

The Hon'ble Sir HENRY WHEELER: The member is referred to the speech made by His Excellency the Governor at the meeting of Council on the 19th December, 1921.

Tippera district board.

24. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state when the terms of office of members of the sadar local board, Tippera, and those of the local boards of Brahmanbaria and Chandpur are due to expire?

(*b*) Is it a fact that (*i*) by the *Calcutta Gazette* notification, the number of elected and nominated members of the Tippera district board, and those of elected members of the local boards in the district of Tippera, have been increased? (*ii*) If so, what is the date of that notification, and (*iii*) what is the present strength of members of those bodies as fixed by that notification?

(*c*) Is it a fact that nine seats were allotted to the sadar local board of Tippera for election of members to the district board?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble the Minister be pleased to state whether it is a fact that at first only five members were elected to the Tippera district board by the sadar local board?

(*e*) If so, did the election referred to in (*d*) take place after the publication of the notification allotting nine seats to the sadar local board in the district board of Tippera, and were the names of those five members gazetted?

(*f*) If their names were not gazetted, will the Hon'ble the Minister be pleased to state the reasons?

(*g*) Will the Hon'ble the Minister be pleased to state whether any, and, if so, how many, additional members were elected or nominated to the local boards of Tippera and when their term of office as members of local boards will expire?

(*h*) Is it a fact that when the sadar local board, Tippera, first met in their full strength of 20 members on the 11th August last they elected only four members instead of nine members to the district board? If so, will the Hon'ble the Minister be pleased to state what law and reasons which precluded them from electing nine members to the district board?

(*i*) Is it a fact that 15 members of the sadar local board elected five members before the 11th August last and after the publication of the notification referred to in (*g*)?

(*j*) Will the Hon'ble the Minister be pleased to state when the Tippera district board was last formed?

(*k*) Is it a fact that though the local boards of Chandpur and Brahmanbaria elected their allotted number of members to the district board so far back as 1919, and though their names were gazetted they could not take their seats in the Tippera district board?

(*l*) If the answer to (*k*) is in the affirmative, will the Hon'ble the Minister be pleased to state when their term of office as elected members

to the Tippera district board will begin to run, and when that of the elected additional members to the same district board will begin to run?

(*m*) Will the Hon'ble the Minister be pleased to state whether it is the intention of Government to take action under section 120, or any other section of the Bengal Local Self-Government Act of 1885, or the rules thereunder, to constitute the district board of Tippera after fresh elections and new formations of the local boards of Tippera?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The terms of office of the members of the several boards expired or will expire on the following dates:—

Sadar local board	19th January 1923.
Brahmanbaria local board	10th November 1921.
Chandpur local board	10th November 1921.

(*b*) (*i*) Yes.

(*ii*) The date of the notification is 18th January, 1921.

(*iii*) The present strength of the district and local boards is as follows:—

District board	...	...	30
Sadar local board	...	...	20
Brahmanbaria local board	...	...	15
Chandpur local board	...	...	12

(*c*) Yes.

(*d*) Yes

(*e*) No; the election referred to in clause (*d*) took place on the 4th August, 1920. The names of the five members have not been gazetted yet.

(*f*) The reconstitution of the existing District board and of the local boards was due in 1918; the members were at this time all appointed by the Commissioner. In 1918, it was decided to introduce the elective systems in connection with these local boards, and to increase their numbers. The elections under the new system were held in November, 1918, and the appointment of one-third of the members on each board was made by the Commissioner in January, 1919. The reconstituted local boards of Chandpur and Brahmanbaria assumed office in February, 1919, but civil suits in regard to the elections were instituted in respect of the sadar local board, and injunctions were issued by the Civil Court prohibiting the new board from meeting or proceeding with its business. As a result of these suits, the reconstituted sadar local board was not able to meet until 6th July, 1920. In the meantime it had been decided to increase the membership of the district board, and the Brahmanbaria and Chandpur local boards elected their members in 1919, but the sadar local board was unable to elect its members until the 4th

August, 1920. The number of members of the district board was subsequently increased from 24 to 30, and the Government notification allocating the new seats was issued on the 18th of January, 1921, while the membership of the three local boards was increased in another notification of the same date. Supplementary elections of the local boards were held in June, 1921, and the reformed boards elected the extra district board members in August, 1921. Orders have issued for notifying the Commissioner's nominations in the case of the sadar local board.

(*g*) The additional members elected or nominated are—

	Elected.	Nominated.
Sadar local board	1	4
Brahmanbaria local board	2	1
Chandpur local board	Nil	3

Their term of office expires exactly when the term of office of the other members of the existing local boards expires, *i.e.*, Brahmanbaria and Chandpur in November, 1921, and sadar local board in January, 1923.

(*h*) Yes; only four members were elected, five members having already been elected on the 4th August, 1920. There is no rule or law under which the previous election of the five members could be annulled, and fresh election of nine members by the reconstituted local board was not therefore possible. The election of the four members was made under rule 64(*i*) of the Election Rules.

(*i*) Yes, on the 4th August, 1920; but before the publication of the notification referred to in clause (*e*).

(*j*) The Tippera district board was last formed in December, 1915.

(*k*) Yes; *vide* reply to (*f*) above.

(*l*) From the date of the election in both cases.

(*m*) The reconstituted district board will now sit since the appointment of the nominated members has been made. The newly constituted local boards will sit until their term expires.

Recruitment to Judicial Service from the Bar.

25. Babu SATISH CHANDRA MUKHARJI: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether it is a fact that in provinces other than Bengal more than one recruitment to the Judicial Service has been made from the Bar?

(*b*) If so, are the Government considering the suitability to adopting the same procedure in Bengal?

The Hon'ble Sir HENRY WHEELER: (*a*) Government have no information.

(*b*) The member is referred to the answer given to unstarred question No. 51 by Rai Mahendra Chandra Mitra Bahadur at the meeting of the 7th February, 1921.

Chaukidari tax in Dacca.

26. Babu JOGENDRA NATH ROY: Will the Hon'ble the Member in charge of the Police Department be pleased to lay on the table a statement showing—

(*i*) the amount realised annually as chaukidari tax in the district of Dacca (union by union) under the Village Chaukidari Act, 1870, within the last five years; and

(*ii*) the amount assessed under the Bengal Village Self-Government Act, 1919, for the same period?

The Hon'ble Sir HENRY WHEELER: (*i*) and (*ii*) Government are not prepared to order the compilation of these figures which would be a laborious business. If information is wanted about any individual union the District Magistrate, Dacca, if applied to direct, would doubtless endeavour to furnish it.

Darjeeling mail trains and Chuadanga station.

27. Maharaja KSHAUNISH CHANDRA ROY Bahadur: (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works aware of the inconvenience that is being felt, at present, by the residents of the Chuadanga, Meherpur and Jhenidah subdivisions in consequence of the fact that the Darjeeling mail trains do not touch at Chuadanga station?

(*b*) If so, are the Government considering the desirability of moving the railway authorities in this matter?

(*c*) If it is not practicable to treat the Chuadanga station as a regular station for the Darjeeling mail trains, are the Government considering the desirability of moving the railway authorities to treat it in the same way as Barrackpore?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) Government have no information.

(*b*) The question does not arise.

(*c*) The attention of the railway authorities will be drawn to the alleged inconvenience and to the alternative proposals for removing the same, should it be found to exist.

Eastern Bengal Railway line to Siliguri.

28. Mr. W. L. TRAVERS: Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state what progress, if any, has been made towards the alteration from metre to broad gauge of the Eastern Bengal Railway to Siliguri?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: The Eastern Bengal Railway metre gauge section from Santahar to Siliguri is divisible into two sections *viz.*, Santahar to Parbatipur, 64 miles and Parbatipur to Siliguri, 85 miles.

The estimates for the Santahar-Parbatipur section have been sanctioned, earth-work has been completed, rails and sleepers collected, and orders have been placed tor bridge girders.

Estimates for the conversion of the Parbatipur-Siliguri section have been prepared and submitted for the consideration of the Railway Board whose orders to undertake the work are awaited.

Government Bills.

The Bengal Children Bill, 1921.

The Hon'ble Sir ABD-UR-RAHIM: I move that the Bengal Children Bill, 1921, as amended by the Select Committee, be taken into consideration.

In making this motion, I wish to thank the members of this Council who have sent in a number of amendments with the object of improving the Bill. I am glad to find that none of the amendments question the principle on which the Bill is based. On the other hand, the object of all the members who have sent in amendments is to make the application of the Bill even wider than what it was proposed in the Select Committee, and also to see that any defects that might be in the Bill are removed. The number of amendments is very large indeed, nearly 200, and I think for a good number of them my friend Babu Kishori Mohan Chaudhuri is responsible.

The amendments are of various character. Some of the most important of these are for adding certain penal clauses to the Bill and some are to make the application of the Bill cover certain cases which are not now covered by the Bill. The first few amendments on the list are intended to widen the area to which the Bill should be applied. At present, as proposed by the Select Committee, the Bill will operate within the municipal limits of the town of Calcutta. It was originally intended to apply only to that portion of the town of Calcutta which is covered by the original jurisdiction of the High Court. That was extended by the Select Committee to the area covered by the municipality according to the Municipal Act. But now it seems that it is the intention of several members of this Council that the Bill should have application not only in the town of Calcutta as defined by the Municipal Act but also to the suburbs generally speaking and the town of Howrah. Dr. Hassan Suhrawardy had brought this matter before the Select Committee, but the Committee thought that this question had better be left for the decision of the Council. There can be no doubt, however, that

there is a very strong public opinion in favour of the extension of the Bill to the suburban areas and to the town of Howrah. Evidence of this has been forthcoming in many ways and Government, after carefully considering the matter, have come to the conclusion that there is clearly a demand that the Bill should be extended to the suburban areas and to the town of Howrah. We do not wish to oppose this idea and in fact we are prepared to agree to this extension. There is a great deal to be said in favour of this proposal, for, after all, the suburban areas and the town of Howrah are practically parts of the town of Calcutta and much of the object of the Bill might be frustrated if we do not extend the salutary provisions of this Act to those areas. So far, therefore, as these amendments are concerned, we are prepared to accept them in principle subject to proper drafting of the clauses so that there might be no difficulty in ascertaining the area to which the Bill is to apply.

Then, there is another very important question raised by some of the amendments, that is, as regards the age. Originally, as this Council might remember, the age for a child was fixed at 12 years. But it was very strongly urged by several members of the Select Committee that we should raise the age to 14 years as is the case in England and also in Madras under the Madras Children Act, and the Select Committee accepted that amendment. But one or two members of this Council are apparently of opinion that in case of girls the age be reduced to 12 years so that girls between 12 and 14 cannot be dealt with under clause 28 of this Bill which provides for the protection of children under the age of 14.

It is for this House to decide whether to accept this amendment or not. So far as the Government are concerned, we are inclined to think that the amendment proposed by the Select Committee, that is to say, raising the age from 12 to 14, is more likely to carry out the objects of the Bill than otherwise. I do not want to anticipate what the proposer of this amendment has to say in support of it, but I am rather inclined to think that the Council will be disposed to regard girls under 14 still as children in conformity with the prevailing notions not only in England but other parts of India. It is for this Council, therefore, to decide whether girls between 12 and 14 should not receive protection under this Act.

Then, there are certain amendments which deal with the question of inspection. Some of them we are able to accept, but there are others which, in our opinion, it will not be advisable to accept as they will interfere with the proper working of the Act, and I shall point out to the Council when these amendments are moved, what are our exact objections to them.

There are certain proposals to attach penalties for the neglect and ill-treatment of children. It is proposed by some of the amendments that parents and guardians who habitually ill-treat the children and

wards under their care should be punished. There is also a similar provision in the English law on the subject and, no doubt, a provision of this nature is quite in accordance with the principles underlying the Bill. It will be for the Council to decide whether it should be incorporated in this Bill or not. So far as the Government are concerned, it has no objection to this provision being included.

There is a proposal by Rai Jogendra Chunder Ghose Bahadur that the sale of intoxicating drugs and cigarettes should be penalised and a provison for that purpose be included in the Bill. As regards cigarettes, there is already a small Act which, I am afraid, has proved so far quite ineffective for very few people even know of its existence. As to the proposal for prohibiting the sale of intoxicating liquors, the present law on the point is this. Under section 51 (*1*) of the Bengal Excise Act, 1909, the sale of any spirit or intoxicating drugs to any child under 14 is prohibited and it is punishable with a fine up to Rs. 500, but the extent and application of that provision differs from what is proposed in this Bill. It only applies to children under 14 and not to young persons. Then as regards the other Act, the sale of tobacco, pipes or cigarette paper to persons under the age of 14 is punishable, under Act II of 1919, with a fine of Rs. 10 for the first offence, Rs. 20 for the second offence, and Rs. 50 for subsequent offences. It only applies to Calcutta and not to the suburbs and thus if the Council desires to accept Rai Jogendra Chunder Ghose Bahadur's and Rai Harendranath Chaudhuri's amendments the prohibition will have a wider application.

As regards the amendments which are of a verbal character they have a drafting value. In this matter, we have decided that we shall abide by the advice of the Secretary to the Legislative Council and he has very kindly helped us by putting the amendments in order according to the drafting rules. There are several of these amendments which we have no hesitation in accepting and there are others which we think will not improve the Bill and we are not, therefore, prepared to accept them. I believe Babu Kishori Mohan Chaudhuri is willing to forego some of his drafting amendments and we have accepted some of his other amendments.

Then, there are amendments which require the sanction of the Government of India and we wrote to them and have received a reply. In some cases the Government of India have refused sanction and in some they have granted sanction. I think the question will be decided by the Deputy-President when these amendments are moved, whether they can be moved in this Council or not.

The motion was then put and agreed to.

Clause 1.

The DEPUTY-PRESIDENT: The question I have now to put is that clause 1 stand part of the Bill.

The Hon'ble Sir ABD-UR-RAHIM: I beg to move "that in clause (*1*), line 2, for the figures '1921' the figures '1922' be substituted."

The motion was then put and agreed to.

Rai HARENDRANATH CHAUDHURI: I beg to move "that in clause 1 (*3*) after the words and figures 'Calcutta Municipal Act, 1899,' the following be inserted, namely:—

'to the municipality of Howrah and to the suburban area under the Police Magistrates of Alipore and Sealdah.'"

I confess that I do not understand what is the reason underlying the proposal that the Bill should have such a narrow local extent and should in the first instance apply only to municipal Calcutta. Knowing as I do certain portions of the suburbs, I do not understand how the conditions that obtain there are so materially different from those obtaining in Calcutta. Unless it is intended of course that the suburbs should be the very cess-pools of the metropolis, there is absolutely no reason why there should be this invidious distinction and why children and young persons living in the suburbs should not be allowed to have the advantage of such a beneficent measure. I am also supported in this view by the Commissioner of the Presidency Division. With regard to this clause he is of opinion that its operations should be extended to the suburban areas as well as to the areas which are under the Police Magistrates of Alipore and Sealdah. This is what the Commissioner of the Presidency Division says:—

> My committee consider that the danger of thus limiting the area will be that neighbouring localities, not strictly within the scope of the Act, will become infested by bad characters wishing to evade the penalty of the law and suggest that Howrah and all suburbs of Calcutta should be included in this measure of reform.

The Commissioner of Police is also of opinion that the Act should, in the first instance, extend "also to the suburbs."

The Hon'ble Sir ABD-UR-RAHIM: I accept, in principle, the five amendments, but as regards drafting I would suggest as follows:—

"That for the words 'Calcutta as defined in clause (*7*) of section 3 of the Calcutta Municipal Act of 1899,' the following be substituted:—

'The town of Calcutta as defined in section 3 of the Calcutta Police Act, 1866, the suburbs of Calcutta as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, the Port of Calcutta as defined by notification under section 5 of the Indian Ports Act, 1908, and the municipality of Howrah.'"

The DEPUTY-PRESIDENT: I should like to know if the mover of the amendment is willing to accept it.

Rai HARENDRANATH CHAUDHURI: I have no objection to the amended form as my object is satisfied in that Howrah and its suburbs are included. I accept it and withdraw my own.

Mr. H. A. STARK: May I ask what the area is to be? Does i correspond with the amendment 5A?

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMEN (Mr. H. P. Duval): The area includes the whole of the jurisdictio which is now under the executive control of the Commissioner of Police Calcutta, the Presidency Magistrates, the Port Police and the Polic Magistrates of Alipore and Sealdah, and the municipality of Howrah

Mr. H. A. STARK: Do I understand that 5A extends to the whol of this area?

Mr. H. P. DUVAL: No. It does not cover the same area. I would cover those parts of Cossipore-Chitpore municipality which ar under the 24-Parganas Police Magistrates and part of Manicktalla Garden Reach and Tollygunge which are also under the Magistrate of 24-Parganas and the Bengal Police. Only a small portion of Tolly gunge falls within the Calcutta police area, and of Garden Reach a little less than half. I cannot give exact details about Cossipore-Chitpore and Manicktalla.

Mr. H. A. STARK: I think it would be less than that proposed by Dr. Suhrawardy.

Mr. H. P. DUVAL: It would be less.

Rai RADHA CHARAN PAL Bahadur: I understand the whole of Manicktalla and Cossipore-Chitpore municipality will not be included in the area covered by the Bill. Am I correct?

Mr. H. P. DUVAL: We propose to include so much as are under the jurisdiction of the Sealdah Magistrate. If there is any part of Manicktalla and Cossipore-Chitpore which is not under the jurisdiction of the Sealdah Magistrate but under that of the District Magistrate, that will not be included.

Rai RADHA CHARAN PAL Bahadur: I would suggest that the other amendments be moved before final voting.

Rai MAHENDRA CHANDRA MITRA Bahadur: It is not necessary for me to move the amendment because my amendment has been practically accepted by the Hon'ble Sir Abd-ur-Rahim. My object was simply to have wider area and virtually that has been taken into consideration by him.

The following motion was then, by leave of the Council, withdrawn:—

"That in clause 1(3), after the figures '1899' the words 'and its suburbs and to the town of Howrah' be inserted."

The following motion, which stood in the name of Professor P. C. Mukherji, was in the absence of the member, deemed to be withdrawn:—

"That in clause 1(3), for the words, brackets and figures, 'as defined in clause (f) of section 3 of the Calcutta Municipal Act, 1899' the words 'and its suburbs and to the town of Howrah' be substituted."

Babu AMULYA DHONE ADDY: With the permission of the Deputy-President, I move "that in clause 1 (3), after the words and figures 'Calcutta Municipal Act, 1899' the following be inserted, namely:—'and to the suburban municipalities of Calcutta and to the town of Howrah.'"

I am really sorry I cannot support the amendment of the Hon'ble Sir Abd-ur-Rahim. It appears that the major portion of the adjoining municipalities of Calcutta is not going to be included in the area over which this Act is to be enforced. Therefore, while thanking the Government for having accepted the suggestion for the extension of this Act to the municipality of Howrah, I fail to understand as to why it should not be extended to the whole of the adjoining municipalities of Calcutta.

I would draw the attention of the Council to the note of dissent on this question by Dr. Hassan Suhrawardy. It will appear from this note that this restriction of area will defeat the very purpose for which this Bill has been framed, because it leaves places to which people who desire to escape from the provisions of the Bill can easily retreat and thus place children who are being brought up to lives of immorality out of the reach of the protection which the Bill is designed to provide. I would further draw the attention of the Council to the opinion of the Bengal National Chamber of Commerce which I have the honour to represent in this Council. It says that this Bill contemplates that Calcutta alone will form the first experimental ground. Its committee considers the danger of limiting the area thus will be that neighbouring localities not practically within the municipal limits will become infested with bad characters and the committee suggests that Howrah and all the suburbs of Calcutta should be included in the initial stage of this measure of reform. Then, it may be said that it will be too costly to extend the Act to all adjoining municipalities of Calcutta, and I beg to draw the attention of the Council to the provisions of section 30 of the Bill. Under this section the court which makes an order for the detention of a youthful offender or child in a reformatory or industrial school or for the committal of a child or young person to suitable custody may order the parent or other person liable to maintain the youthful offender, young person or child to contribute to his maintenance, if able to do so, and, under clause 4 of this section, this order can be enforced in the same manner as an order under section 488 of the Code of Criminal Procedure, 1898. Thus it appears that the court will realise this amount from the parent or any other guardian of the person interested. Then, it may be said that under

section 1, the local Government may, by notification in the *Calcutta Gazette*, extend the Act to any town in Bengal. I have a sad experience of the Calcutta Rent Act; when this Act was enacted we were practically assuerd that it would be extended to Tollygunge and Howrah, but afterwards nothing was done. The public bodies consulted think it desirable that to the whole of the adjoining municipalities of Calcutta this Act should be applicable. I think that the suggestion of Government will not go quite far enough.

With these few words, I commend my motion to the acceptance of the Council.

Babu INDU BHUSHAN DUTTA: I beg to move "that in clause 1 (*3*), after the figures '1899,' the following be inserted, namely:—'and to the suburbs of the town of Calcutta as defined by notification under Section I of the Calcutta Suburban Police Act, 1866' (Bengal Act II of 1866)."

In view of the fact that the Hon'ble Member in charge has included my amendment in the amendment suggested by him and has also accepted such wider areas as Howrah and some other places, I do not think it is necessary for me to press my amendment. I am willing to accept the amendment suggested by the Hon'ble Member.

The motion was then, by leave, withdrawn.

Dr. HASSAN SUHRAWARDY: I beg to move "that in clause 1 (*3*), after the words and figures 'Calcutta Municipal Act, 1899' the following be inserted namely:—'the municipal areas of Cossipore-Chitpur, Maniktalla, Alipore, Tollygunge, Kidderpore, Garden Reach and Howrah.'"

Regarding the main issue which I put before the Select Committee, namely, the expanded area to which the Bill, when passed into law, will first operate, I find that Government have practically accepted it. They believe also that the municipal area, as defined by the Municipal Act of 1899, is not sufficient for the purposes of our Act, and should be expanded. They agree that part of the municipal areas within Alipore, Cossipore-Chitpore and others should be included, but they do not agree to include the whole of them, but only a portion. In any case, it is very satisfactory to see that so many members of the Council have supported that the area should be enlarged and expanded, more than what the majority of the members of the Select Committee wanted in spite of my representations. Babu Amulya Dhone Addy has just now referred to my note of dissent in which I pointed out the chief reason why I wanted the area to be extended. I believe that the restriction of the area will defeat the purposes for which the Bill has been framed. It leaves places to which people, who desire to escape from the provisions of the Bill, can easily retreat, and thus place children who are being brought up to lives of immorality out of the reach of the protection which the Bill is designed to provide.

The question of expenditure which will be involved on account of the inclusion of a larger area was very strongly put forward by some and the Hon'ble the Minister for Education was very strong about it. But after all, I think the expenditure both, capital and recurring, will not be very much greater than if a smaller area is included, because we know that, for instance, in hospitals with 20 beds and another with 30 beds the expenditure, capital and recurring, expenses is not in the same proportion as 20 is to 30 or two-thirds. It is only a little more. Even though it may be argued that we cannot give relief to the very large number of people within the expanded area as efficiently as in the smaller, yet if a large area is included we might be able to give protection to the most glaring cases of child oppression and cruelty that come to our notice exactly in the same way as we do in the hospitals where we cannot provide accommodation for all those who come for treatment but only to those whose needs are the greatest. Expenditure even if it is large, I think must be faced by the country. We spend a very large sum of money for the education of the *bhadralog* class. We have got two universities in the province. We might justly and legitimately spend a certain sum of money for the uplifting of the children of the poorer classes in the country—children who would, if neglected, become potential thieves and murderers and as habitual criminals a source of menace to the society; if they are taken care of in the earlier stages of their lives when their minds are most receptive, they may be reclaimed under good influence, and at this stage we should try our best to afford protection to the children of the poor, give them a sort of education which it is proposed to give them in industrial schools and turn them into self-respecting citizens. Those who get good education will be useful members of society and thereby reduce our jail population. It would be a reproductive scheme. We all know that heredity is very important, some believe that those who come from the scum of society will always be bad but it is not so. To take a particular instance. In Bengal we all know that if we grow *Langra* mangoes of Benares here they will be turned into jungly or *desi amb* under the influence of environment. In the same way if our children are put in good enviroment they will develop into good and useful citizens. "As the saplings bent, so the trees incline." There are other reasons for my recommending the inclusion of a larger area. I have the testimony of people who have personal knowledge of the facts. Colonel Hamilton, the sympathetic Superintendent of the Presidency Jail, says that some of the most glaring cases of child oppression and child cruelty that came to his notice, were from Alipore and Howrah, the areas which have been excluded from the operation of the Bill now under discussion. In the Select Committee I had the support of other people who had local knowledge in the matter, namely, Mr. Stark and Mr. Hopkyns, who, for a number of years, was Magistrate of Howrah. Howrah is partically Calcutta. The chief railway lines of the country, the East Indian

Railway and the Bengal-Nagpur Railway, terminate at Howrah, and drop their passengers there and all people who come to Calcutta have first to land at Howrah. Howrah Station alone will afford a large number of cases of cruelty to children than perhaps many other places put together. Howrah is the trans-Hooghli suburb of Calcutta. I do not think we can ignore Howrah where the Calcutta Improvement Trust is also going to extend its operations. We find that in the Bill for taxing amusements, which the Hon'ble Mr. Kerr is going to introduce this session, Howrah is included. If Howrah is included for the purpose of taxation, it should also be included for the purpose of expenditure on education. The other areas I have suggested for inclusion is Maniktalla (the whole of it and not a part of it), Tollygunge, Kidderpore, Garden Reach, including the Dock area, etc. It seems to me the extensiveness is more apparent than real as we all know that these areas practically form one large continuous municipal area divided up into different districts under different administration. That there is continuity between Maniktalla, Cossipore-Chitpore, Alipore, Tollygunge, Kidderpore and Calcutta cannot be denied. I think that if the Council wants to include larger areas it should include the whole of Maniktalla, and Cossipore-Chitpore and not only a part of it.

The ordinary man in the street does not know where the jurisdiction for certain magistrates begins and where the jurisdiction ends. There is a very definite case. When the old Presidency Jail was demolished and the new one was erected, it was found that the particular part of the road on which it was situated was not within the jurisdiction of the Presidency Magistrates of Calcutta, but was within the jurisdiction of the Magistrate of Alipore. So the whole jail had to be transformed into the present Central Alipore Jail. In this way, if instead of the whole of Alipore or Cossipore-Chitpore, only a bit here and a bit there, under the jurisdiction of different Police Magistrates are taken, it would be very difficult to know the limits within which the Act is operative. For practical purposes it would be very much better to include the whole of a certain municipal area, as the ordinary people understand that wherever there is conservancy arrangement it is a municipal area and wherever it is not in practice, is outside it. It is for the good of the public that this Bill is introduced and if the people find any case in their notice within a municipal area, they might bring it to the notice of the authorities at once and not waste time on inquiry whether that particular portion is within the area of the operation of the law. It is better to include the whole area of Maniktalla, Cossipore-Chitpore, Kidderpore, Garden Reach and Howrah.

Rai RADHA CHARAN PAL Bahadur: I have much pleasure in supporting the amendment of Dr. Suhrawardy. At the outset I desire to say that if it had been intended that the Bill should be given a trial in Calcutta, then that is a different thing. The Hon'ble Member for Government has accepted the suggestion of certain members of the Council

to extend it not only to the suburbs of Calcutta but also to Howrah and to the remotest parts of it. Howrah is a big area but I fail to understand why certain suburbs and suburban municipalities, because they are ruled not by the red *pugrees* of the Calcutta Police but by the blue-coated constables of the Bengal Police, should be kept out of the jurisdiction of the Bill. I think it is an artificial division and as far as I can gather, from the recommendations of the Commissioner of the Presidency Division, I am borne out also by him. He says: "My committee"—perhaps he refers to a committee of suburban municipalities with whom he is associated—"considers that the Act should be extended not only to Howrah but also to suburban municipalities." By the term "suburban municipalities" is meant the whole and entire portion of them and not that portion only that is within the jurisdiction of the Calcutta Corporation and the Calcutta Police. I am of opinion, therefore, that if the Act is to come into force at once, it should operate in the suburban municipalities also. For my own part, from my personal knowledge of Cossipore-Chitpore municipality, I think that it will be defeating the object of the Act if we draw a line somewhere and place within the scope of the Act certain part of the Gun Foundry Road and exclude some other portion which may be equally important. So I think that unless the Bill is modified to include the suburbs the object of it will be defeated. I therefore fully support the proposal of Dr. Suhrawardy, and I am sure the Hon'ble Member for Government will see no objection to accepting it.

Babu SURENDRA NATH MALLIK: I should like to congratulate the Government of this piece of legislation which is of such vital importance to us.

So far as the question of jurisdiction is concerned, I am one of those persons who are somewhat intimate with those areas which come under the jurisdiction of the Magistrates of Alipore and Sealdah; Howrah, also, I know to a certain extent. I think that the first amendment of my friend, Rai Harendranath Chaudhuri, is for all practical purposes just what we should accept at the present moment, because, as Dr. Hassan Suhrawardy has said, these areas, Maniktalla, Cossipore-Chitpore are included in the area at present under the jurisdiction of the Sealdah Magistrates. Then comes Alipore; this is also within the Calcutta municipality.

Then comes Tollygunge; a portion of Tollygunge is under the jurisdiction of the Tollygunge municipality, except the rural areas, and they are under the suburban Police Magistrate of Alipore. The same remark applies to Kidderpore. As regards Garden Reach and Howrah—I leave out Howrah for the present—Garden Reach, that portion where all the people live, is within the jurisdiction of the suburban Police Magistrate of Alipore; therefore, if we accept the first amendment, *viz.*, "to the municipality of Howrah and to the suburban area under the Police

Magistrates of Alipore and Sealdah " that will be enough for present purposes. If, in course of time, we find that we wish to include further areas within the purview of this Act, we can easily do it. If areas like Serampore and Burdwan wish to be included later, they might be, but for the present, I would only include the backward areas of Tollygunge, Garden Reach, etc. Therefore, I think that Rai Harendranath Chaudhuri's amendment should be accepted as far as the question of jurisdiction is concerned. As regards the question of expense, I think this is a good thing also; it would also improve these areas. As for Howrah, this is a very big area and not very well populated; in Howrah there is the town police, whereas in Garden Reach, that portion of the rural area, you have nothing of this sort. If you go outside the municipal area, you go into the jurisdiction of the district police. I therefore think, for our purposes, if we include the backward areas of Howrah, Alipore and Sealdah, it will cover Cossipore-Chitpore, Maniktalla and also Alipore, Kidderpore, except the jungle portion of Tollygunge and Howrah.

Dr. HASSAN SUHRAWARDY: May I rise to a point of order? Babu Surendra Nath Mallik is referring to the rural areas of Tollygunge and Garden Reach; I meant the municipal areas. I do not want to include the rural areas, only the municipal areas.

Babu SURENDRA NATH MALLIK: May I say one word of explanation? Most of the Tollygunge municipality is still a rural area; you might call it a municipality, but it is still a rural area.

Dr. JATINDRA NATH MOITRA: I am sorry to have to oppose all these amendments. I do not see the need of including a more extensive area at this stage. Let the effects, the supposed boon of this Act, be judged by its achievements during the next few years and there will be no difficulty in including the entire area if the people appreciate its advantages. I am sorry I have not much faith in the potentialities of this Act to do real good to the people, but still I am open to correction. In extending the operations of this Act to a wider area some expense will be necessary which we can hardly afford at this critical juncture without being certain of its advantages.

With these few words, I oppose all the amendments.

Raj JOGENDRA CHUNDER GHOSE Bahadur: After Sir Abd-ur-Rahim has spoken, accepting, in a modified form, the amendment of Rai Harendranath Chaudhuri which has been accepted also by Babu Indu Bhushan Dutta, the other amendments have been moved, I am afraid, under a certain misapprehension. It is clear that the Government has no intention of limiting the area of the suburban municipalities, except for administrative purposes. It is clear what they desire is that the areas under the jurisdiction of the Police Magistrates of Alipore and Sealdah should be included, and also the area under the Port

Trust as defined under the Port Trust Act. Now, if my friends had read the provisions of the Bill, they would have found that a certain machinery is required for carrying out the objects of this Bill, and that machinery is found in the Presidency Magistrates and the Police Magistrates of Alipore and Sealdah. If you give the jurisdiction beyond this, you will have to go to the Magistrates of Barrackpore and Diamond Harbour; that is an inconvenience which my friends have not appreciated.

Now as regards my friend, Dr. Moitra's objection, in the committee meetings our Minister for Education—who, I am sorry, is not here to help us—was pleased to tell us that he should have to provide the money, and where was that money to come from? Therefore, he wanted a more subscribed area, and we, deferring to his wishes, agreed simply to the area of the Calcutta municipality. Now when the Government accepts a larger area, we can certainly have no objection, but if my friends were here to object, I would have thought twice before supporting this amendment.

The Hon'ble Sir ABD-UR-RAHIM: As regards the other amendments which have been moved, Rai Harendranath Chaudhuri's amendment is defective as it does not include the Port area. That, we consider, is a serious defect, and that defect is removed by the amendment which I have moved. The House will notice that this includes the area covered by a notification under section 35 of the Indian Ports Act, and Rai Harendranath Chaudhuri would leave these areas out, which is not desirable if you are going to extend this Act beyond the municipal limits of Calcutta.

As regards Dr. Hassan Suhrawardy's amendment, he has confused matters very much by including the municipal areas of Alipore and Kidderpore which are all covered by the Calcutta Municipal Act. Rai Jogendra Chunder Ghose Bahadur has very clearly explained what is the object of the amendment which has been put forward by me. We have got here the Police Magistrates having jurisdiction in Calcutta over certain area, we have got the Police Magistrates of Sealdah and Alipore exercising a jurisdiction which covers really the most populated areas both of the town of Calcutta and the suburban area, and we have also got the notification under the Indian Ports Act. We may by notification extend this Act as far as we like, but I think we have gone really as far as is prudent in the circumstances. There is much force in what Dr. Moitra said that we have to gather experience as we go along, and if you want afterwards to include any other areas, this can be done by a notification and if funds are available there will be no difficulty whatever in including these areas. Therefore, I submit to the Council that the amendment I have moved be accepted.

The following amendment moved by the Hon'ble Sir Abd-ur-Rahim in place of the amendment of Rai Harendranath Chaudhuri was put and agreed to:—

That in clause 1 (*3*), lines 2, 3 and 4, for the words, brackets and figures " Calcutta, as defined in clause (*7*) of section 3 of the Calcutta Municipal Act, 1899," the following be substituted, namely:—

" the town of Calcutta, as defined in section 3 of the Calcutta Police Act, 1866, the suburbs of Calcutta, as defined by notification under section 1 of the Calcutta Suburban Police Act, 1866, the Port of Calcutta, as defined by notification under section 5 of the Indian Ports Act, 1908, and the municipality of Howrah."

This motion being carried, the following amendments failed:—

Babu AMULYA DHONE ADDY: That in clause 1 (*3*), after the words and figures ' Calcutta Municipal Act, 1899 ' the following be inserted, namely:—

' and to the suburban municipalities of Calcutta and to the town of Howrah.'

Dr. HASSAN SUHRAWARDY: That in clause 1 (*3*), after the words and figures ' Calcutta Municipal Act, 1899 ' the following be inserted, namely:—

' the Municipal areas of Cossipore-Chitpore, Maniktala, Alipore, Tollygunge, Kidderpore, Garden Reach and Howrah.'

The motion that clause 1, as amended, stand part of the Bill, was put and agreed to.

Clause 2.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 2 stand part of the Bill.

Babu INDU BHUSHAN DUTTA: I move " that in clause 2 (*a*), after the word ' Calcutta ' the words ' and its suburbs ' be inserted."

This has just been accepted by the House, and as no drafting will be necessary, I think the Hon'ble Member will have no objection to accepting this amendment.

The Hon'ble Sir ABD-UR-RAHIM: I would only suggest that it ought to be in these words: for the word "Calcutta" the words "in the area in which the Act extends, in the first instance under the provisions of sub-section (*3*) " be substituted.

Babu INDU BHUSHAN DUTTA: Yes, I have no objection to that.

The motion was put and agreed to.

The motion that clause 2 (*a*), as amended, stand part of the Bill, was then put and agreed to.

Clause 3.

The DEPUTY-PRESIDENT: The question I have now to put is that clause 3 stand part of the Bill.

Babu INDU BHUSHAN DUTTA: I move "that in clause 3 (*1*), lines 1 and 2, for the words 'a person under the age of fourteen years' the following be substituted, namely:—

'a boy under the age of fourteen years or a girl under the age of twelve years.'"

This is a question of the definition of age which affects the whole Bill. The Bengal Children Bill is one of those preventive legislative measures which have been given a fair trial in England and Europe, but which is in the nature of an experiment in this country. Social legislation is not always viewed with pleasure in this country, and it is necessary that the experiment should be made very cautiously, otherwise it may prove a failure. In the original draft of the Bill, the age-limit for boys and girls was 12, but the Select Committee made it 14. I appreciate the motive of the Select Committee which prompted them to fix the age at 14, *viz.*, to give a larger number of children the protection that they so much need, but I think in their anxiety for the welfare of the children they have forgotten the great repugnance which is felt by the Indian community to bringing women into the courts of law. In the Indian legislature at the time of passing the Consent Act it was declared that a girl became a woman at the age of 12; as long as that enactment remains on the Indian legislature, I do not see how a Children Bill can affect a girl above the age of 12 who is definitely regarded as a woman under that Act. That is the whole of my amendment. If that Indian Act is changed, we can increase the age from 12 to 13 or 15 or any other age; but as long as the Act remains, so long as we can say that a girl over the age of 12 is a woman in India, we cannot have here in Bengal any enactment which is contrary to that Act.

It has been said by the Hon'ble Member that in England the age is 14, but it is known that in this country girls grow faster than boys, and they mature earlier; so I think some distinction as to the age-limit should be made as between girls and boys. I may be faced with this question; are you not going to give protection to girls between the ages of 12 and 14? There is no doubt about that, but where are you going to fix the age-limit? I answer that with another question. Are you not going to give protection to girls beyond the age of 14? In these matters we never know where to stop, so I think in this legislation, the age of 12 for girls would be a safe guidance for the present. If we find that this age does not prevent evils which we are going to combat, then, of course, there will be time enough for this Council to reconsider this matter. For the present we should not jump into the dark and take a risk of destroying the effect of this Bill by meddling with the girls beyond the age of 12.

The Hon'ble Sir ABD-UR-RAHIM: As regards this, it is for the House to decide whether they are going to protect by this Bill girls between the ages of 12 and 14. I am not favourably impressed by the arguments put forward; they really do not seem to me to bear very much on the question we have got to decide. This lowering of the age would very much curtail the operations of clause 28. Under clause 28, as the members will notice, we want to protect children who live by begging or are destitute or in the care of persons who do not take care of them or ill-treat or neglect them and also girls, who are brought up by persons of ill-fame. As to this clause therefore one would think that girls between the ages of 12 and 14 required much protection, even more protection than girls up to the age of 12. The Age of Consent Act was passed on very different considerations altogether, and I do not think it has any relevancy to this. It is to prevent the corruption of helpless girls of a tender age who, I think, can appropriately be still called children, that the age has been raised from 12 to 14. We shall be very much nullifying the salutary provisions of the Bill which is now before the Council, if we accept the amendment of Babu Indu Bhushan Dutta.

Rai Dr. HARIDHAN DUTT Bahadur: I am greatly surprised to find that this amendment has been moved by Babu Indu Bhushan Dutta, who belongs to the advanced section of the Bengali community. I am a Hindu, and I am one of those who think that this clause is one of the most important clauses of the Bill, and if you accept the amendment and reduce the age from 14 to 12 as has been suggested, the amount of protection which we are all anxious to give to girls, would be very much reduced. If my friend will look into the definition of a "child" he will find that a "child" means a person under the age of 14, so a girl who has attained the age of 13 years and 1 day is not a child within the meaning of this Act. I ask him seriously, to say, if he considers a girl who has just attained the age of 13 years is not deserving of protection, and especially so when she comes under any of the categories enumerated in section 28, as the Hon'ble Sir Abd-ur-Rahim has so forcibly pointed out, *viz.*, begging in the streets or in the protection of a common prostitute or in any of those circumstances enumerated from (*a*) to (*f*)? I believe that only one answer is possible, and that is that, this is the age in which protection is most highly necessary. I hope my friend will not press this amendment and will forget the analogy he has tried to bring about, to the Age of Consent Act. That Act in which the age was fixed at 12, was passed nearly 30 years ago, it is high time that that Act should be brought before this Council for amendment, but that is a different story. My friend's amendment will remove from this Bill a large portion of the benefit to be derived from it. I think it quite fair to say that if this amendment is carried out that will be a retrograde measure.

Babu AMULYA DHONE ADDY: I have much pleasure in seconding the amendment of Babu Indu Bhushan Dutta. I would draw attention to the opinion of the Bengal National Chamber of Commerce. This Chamber is strongly opposed to the inclusion of girls into the provisions of this Bill. The Committee of this Chamber carefully considered the question of including girls within the purview of the Bill. Though the report of the Calcutta Domiciled Community Inquiry Committee and the reports on social evil may incline people to give support to the inclusion of girls within the purview of this Bill; there are insuperable difficulties in the way of enforcing the law under this Act, specially in the Hindu and Muhammadan communities, and this Committee cannot at present support this inclusion. Therefore, I think the best course would be to accept the suggestion of Babu Indu Bhushan Dutta. I may point out that there is a strong difference of opinion amongst the members of the Select Committee, as will appear from the report, some of them were of opinion that girls should be excluded from the purview of the proposed Act. Having regard to the fact that the Bengal National Chamber of Commerce is strongly opposed to the inclusion of girls and having regard to the fact that there is a strong difference of opinion amongst the members of the Select Committee on this point, I think we would be quite justified in meeting them half way by accepting the amendment of Babu Indu Bhushan Dutta.

Rai MAHENDRA CHANDRA MITRA Bahadur: I am sorry to oppose the amendment. The object of the Bill is to extend protection to boys and girls. After mature consideration it was thought advisable to include girls as well within the operation of the Bill, and for this I congratulate the Select Committee. The question for the consideration of the Council is, what protection should be given to girls who are above the age of 12. We are not dealing with other irrelevant matters, but we have one point before us, *viz.*, the protection to be given to girls above the age of 12. If the members of the Council have experience as regards the beggary prevalent amongst this class of girls, I believe there will not be a single dissentient voice in this matter. I should therefore ask the Council to extend the operation of the Bill to girls up to the age of 14 years. The Children Bill is not a new idea; it has been in the mind of the Legislature for some time, and when the provisions of the Bill are put forward in a bold way, I submit that there should be no difference of opinion in this matter. I shall not discuss the question further, but I think that the Hon'ble mover of the amendment ought not to press his point.

Mr. H. A. STARK: The amendment brings into relief the varying needs of the different communities in the Province. The age of 14, as pointed out by several speakers, is an age beyond which it is not necessary to have any protection for girls. With the European and Anglo-Indian communities, girls of the age of 14 are still children. I certainly think that a girl between the ages of 12 and 14 assuredly needs

the protection which this Bill contemplates; and to cease protecting her at this age is to destroy the utility of the entire Bill.

Babu Indu Bhushan Dutta has mentioned that there is great prejudice, in fact strong objection, to producing women in courts, and he proclaims that a girl of 12 by Hindu law is regarded as a woman. The higher grades of Indian society do revolt against a woman appearing anywhere in public. But there are thousands belonging to the lower classes in the province who have not the smallest objection to a girl of the ages of 12 to 14 appearing in Court or in public. Let us hope, that this Bill will operate more in the lower and uneducated than in the classes to which the members of this Council belong. Whom we ought to think for and about are the classes that are not here to defend themselves, and to press for what we think is a crying need in the province. Speaking on behalf of my community, I certainly feel that the age mentioned in the Bill is an irreducible minimum; and if we reduce it to 12, the Act will not have the least utility for my community.

Mr. W. S. HOPKYNS: I rise to draw attention to a point which perhaps has been overlooked by the mover of this amendment. If this amendment were carried, one effect of it would be to make the Criminal Law more severe on girls than on boys. If a reference is made to clause 22 of the Bill, it will be seen that a young person may be sentenced to imprisonment, but a child may not be sentenced to imprisonment. if the amendment were carried, a girl between the ages of 12 and 14 would become a young person and would therefore be liable to imprisonment.

Maulvi EMADUDDIN AHMED: I beg to oppose the amendment which has been moved by my friend, Babu Indu Bhushan Dutta. Several members have already spoken on the subject and the reasons for opposing the amendment is obvious, because the age of 14 is such when the girls should have protection under the law. At this age women of bad character catch hold of girls, and to say the least of it, if the age-limit is fixed lower, the very purpose of the Act will be defeated.

With these few words, I oppose the amendment.

Babu INDU BHUSHAN DUTTA: In view of the strong feelings expressed, I beg leave of the Council to withdraw this amendment.

The motion was then, by leave of the Council, withdrawn.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 3 (*1*), line 3, after the words 'industrial school' the words 'as defined in this Act' be inserted."

I suggested this amendment under the impression that as the words "industrial school" has been defined afterwards, it should be followed by our Act. But after that, I had a talk with Mr. Duval and Sir Abdur-Rahim on the point. I was satisfied that it would not be necessary

to insert the amendment I have proposed. So I beg that I may be allowed to withdraw this amendment.

The motion was then, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: The following amendment of Babu Indu Bhushan Dutta is consequential to that of Babu Kishori Mohan Chaudhuri just withdrawn:—

"That in clause 3 (*1*), penultimate line, after the words 'fourteen years' the words 'in the case of boys and twelve years in the case of girls' be inserted."

Babu INDU BHUSHAN DUTTA: I do not think that it can stand after the withdrawal of Babu Kishori Mohan Chaudhuri's amendment.

The motion consequently failed.

Rai HARENDRANATH CHAUDHURI: I move "that for clause (*3*), the following be substituted, namely:—

'(*3*) "industrial school" means a school established or certified by the Local Government under section 6 for the industrial training of children, in which children are lodged, clothed and fed as well as taught.'"

It is a well-established principle in legislation that the definitions of a proposed Act should be as clear as possible. And if it is agreed, I think, there is yet room for improving the definition of the "industrial" and "reformatory" schools even after the amendments that have been made by the Select Committee. The whole character of the Act depends on these two definitions, and if it is true that this Bill is meant to be as good an Act as the English Children Act and to be a replica thereof, then I do not see any reason why the definition of the "industrial" and "reformatory" school given in this Bill, should not be as clear as those in the English Act and why those very definitions should not be adopted and incorporated. The Bill, under discussion, defines industrial school as "an industrial school established or certified by the Local Government under section 6," whereas the English Act defines an industrial school "a school for the industrial training of children in which children are lodged, clothed and fed as well as taught." One has simply got to read and see which is clearer and what I propose by this amendment is to have the clearer definition of the English Act.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that for clause 3 '(*3*), the following be substituted, namely:—

'(*3*) "industrial school" means a school established or certified by the Local Government under section 6 for the detention, protection, feeding, clothing, lodging and industrial training of children, young persons and youthful offenders.'"

Going through the provisions of the English Act, I thought it necessary that the definition should be a clear one. Of course I stand upon the definition as given by the English Act and I thought it necessary that beggar boys and girls ought to be protected by being admitted into schools where they may be fed, clothed, lodged and trained. But the English Act has another scope. It lays down that there may be day schools. In the present Bill I find that there is no such thing. I do not know whether there has been an omission in the draft. The framer of the Bill thought it necessary, probably to allow that question to remain elastic. I think an alteration of the definition of the words "industrial schools" may be made. So far, as I understand, the policy of Government is to protect children. Suppose Government does not set up industrial institutions and the whole matter is left to the consideration of persons who are charitably disposed, it will be as well necessary to have such a law as to provide some kind of restriction or limitation as to the way the schools are to be managed by these persons. Therefore, the law ought to be clear upon this subject. I appeal to the Member in charge who has drafted it to consider over this matter. I had the advantage of talking on the subject with Mr. Duval and the Hon'ble Sir Abd-ur-Rahim and left the whole matter to their consideration. The amendment is a suggestion which I have made after due consideration and if the subject be considered in the light in which I have brought it to their notice probably they may argue with me. There is one word as to the insertion of the words "young persons" in the amendment. I may as well give my mind on this subject. I had in my mind that protection ought to be given to young persons who are under the age of 14. I viewed the Bill as a protection to children, to young persons and also to the youthful offenders, but looking to the scope of the Bill, I find a marked distinction between the protection given to children and to young persons. I notice that under the provision of clause 30 of the Bill the author has taken into consideration some sort of protection to be given to young persons. He has considered that so far as young persons are concerned an arrangement for their suitable custody may be made. I submit to the Council that the insertion of the words "young persons" in the clause is doubtful; however, there ought to be a definition of the words "industrial school."

DEPUTY SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. W. C. Wordsworth): On behalf of Government I have to oppose these amendments. The point made by their movers was considered both in drafting the bill and in the Select Committee and it was definitely decided not to extend the definition in the way suggested for the reasons which have been outlined by Rai Mahendra Chandra Mitra Bahadur. The object of this Bill being to extend protection to children by giving them the opportunity of a fresh start in life, it is conceivable that such opportunities will be best extended in certain localities and in certain circumstances by

the provision of day schools. The movers of the amendments appeal to the English definitions and the Rai Bahadur has referred also to the sections of the English Act which deal with day schools. The difference between what is proposed in our Bill and what is provided in the English Act is mainly one of method. Day industrial schools have shown their value in England. I have not the most recent figures at my disposal, but from reports that are convenient to hand I find that a few years ago out of some 220 schools under this Department of the Home office, 17 were day schools. The English Act definitely states that in certain circumstances these day schools shall be certified. Now, under the definition and under the framing of our Bill it is possible for development to proceed in both directions—both in the direction of residential schools and in the direction of non-residential schools—and seeing that we, here, have little experience of our own and that we are relying very largely upon the experience of England, which now comes to something over 60 years, it is felt undesirable that we should make these definitions clear at the expense of also making them narrow. Experience will show what changes should be made, and they can be made from time to time by the rules that Government is empowered to make under the Act. I would submit therefore to the House that the change proposed by these amendments is unnecessary because the Bill, as it stands, allows Government to certify both residential and day schools, which would not be possible if the definition were made more precise in the way proposed.

Rai HARENDRANATH CHAUDHURI: May I have a right of reply?

The DEPUTY-PRESIDENT: No, you have not.

Mr. H. A. STARK: Following what Mr. Wordsworth has said, I would invite the attention of the movers of the amendments, to chapter V, section 31, from which it is apparent that it is not the intention of the Bill that all schools should be organised on the same lines; that is to say, it will not be the purpose of all schools to lodge, clothe, feed as well as teach children. If we were to insist upon their doing so, we should not be able to find, wherever they are needed, suitable localities for such schools to be established. It is therefore proposed that we should have a school which may answer if it be aided. Accordingly provision is made in section 31 that a child may, with the consent of the Chief Inspector, be boarded out until he attains the age of 10. I do not therefore see any need for the amendment.

Mr. H. P. DUVAL: I think there has been placed in the hands of the members a few extra amendments which it is proposed to move in connection with this Bill on behalf of Government and one of these is No. 52A which deals with clause 16 of the Bill. Clause 16 of the Bill really does what the member wishes to do in his definition. It makes

it absolutely necessary that in both industrial and reformatory schools, which have been certified by Government, the managers shall teach, train, lodge, clothe and feed them. I may mention, however, that there is a slip in that section because the necessity for providing day industrial schools was overlooked, but the amendment, which will be moved in due course, will get over the difficulty in respect of that. Therefore, I think the mover will see that the amendment suggested by him would prevent our ever having day industrial schools.

Rai HARENDRANATH CHAUDHURI: What about those schools which are established by the Local Government? The Bill is silent on that point.

Mr. H. P. DUVAL: Do you think that Government would establish schools in which they would starve all the inmates?

Rai HARENDRANATH CHAUDHURI: The section refers to certified schools, but you say that it does not refer to established schools. If it refers to established schools I have no objection.

Mr. H. P. DUVAL: I think it might be expected that if Government did establish schools they would teach, clothe, and feed the boys there, and rules would have to be made to attain that end.

Rai HARENDRANATH CHAUDHURI: What about the manager of established schools?

Mr. H. P. DUVAL: This section deals also with the power of the manager to refuse a child.

Rai HARENDRANATH CHAUDHURI: It is clear that this section deals with the liability of managers of certified schools, but how does it apply to those schools which are established by Government?

Mr. H. P. DUVAL: It does not apply to them.

Mr. AJOY CHUNDER DUTT: I do not think, Sir, that this sort of conversation should be allowed.

The motions were then put and lost.

Rai HARENDRANATH CHAUDHURI: I move "that for clause 3 (5), the following be substituted, namely:—

'(5) "reformatory school" means a school established or certified by the Local Government under section 6 for the industrial training of youthful offenders in which youthful offenders are lodged, clothed and fed as well as taught.'"

All that I have said in connection with the previous amendment, *a fortiori*, applies to this amendment for the definition of the "reformatory school" is still more unhappy. The definition even as amended by the

Select Committee, defines absolutely nothing. It says that " a reformatory school means a reformatory school, etc." There is nothing to show what kind of training will be provided or how the children will be treated there. There is nothing to prevent a police lock-up or rooms in a certain jail from being dubbed a reformatory school. The definition of the English Act which my amendment proposes to incorporate in the Bill, is very clear on those points. It says that in the first place it must be " a school for industrial training " and in the next place, it must be one " in which youthful offenders are lodged, clothed and fed as well as taught." I do not understand why leaving aside such a clear definition, we should go in for a definition which, as I have said, defines nothing and is the very negation of a true logical definition. Even if section 16 be amended in the suggested way, then also, the difficulty on account of a vague definition are not obviated. For section 16 deals with certified schools only and not with schools established by the Local Government. Under these circumstances, I still consider the necessity of pressing my amendment. To the objection that it will make non-residential schools impossible and hence will make the definition narrower, my reply is, well then make it more comprehensive by defining both types of school but do not leave it vague.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move " that for clause 3 (*5*), the following be substituted, namely:—

' (*5*) " reformatory school " means a school established or certified by the Local Government under section 6 for the detention, protection, feeding, clothing, lodging, moral training and education of youthful offenders.' "

I see there is a similarity of thought with my friend, Rai Harendranath Chaudhuri, on the subject. I would like to have a clear definition of the words "reformatory school" and not to leave the definition elastic and the amendment, which I have submitted to the Council, gives a clear idea of what the " reformatory school " ought to be. I do not think there ought to be any objection to this definition rather than leaving everything in the dark.

Mr. W. C. WORDSWORTH: In formally opposing these amendments, on behalf of Government, it is not necessary to repeat what I said a few minutes ago. There is not the same degree of objection to these two amendments (Nos. 12 and 13) as there is to the two previous ones (Nos. 10 and 11). Government, in the definition that it has accepted in the one case, wishes to leave it open for possibility of development in case day schools are found desirable. Such schools are not likely to include reformatory schools; in fact it is not the intention of Government to have non-residential reformatory schools. Reformatory schools are for the older children or for those who have been found guilty of the more serious offences, and it is scarcely probable that non-residential schools of this type will be desirable. But there is some value in

consistency. The two definitions in the English Act are alike. The two definitions in our Act may with some value be alike, and though there is not the same objection to these two amendments as to the two previous ones (Nos. 10 and 11), they add nothing to the Bill and take nothing away. Therefore, I would suggest to the Council that the definition be left as it is.

The motions were then put and lost.

The following amendment, standing in the name of the Hon'ble Sir Abd-ur-Rahim, was then, by leave of the Council, withdrawn:—

"That in clause 3 (*6*), after the word 'punishable' the words 'in the case of an adult' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 3 (*7*), for the word 'and' the word 'but' be substituted."

I proposed a verbal change. I thought that the word 'but" would be the proper for the word "and" in clause 3 (*7*). I mentioned that to Mr. Duval who thought that it was unnecessary. I am not very particular about it.

The motion was then, by leave of the Council, withdrawn.

The following amendment, standing in the name of Babu Indu Bhushan Datta, being consequential, fell through:—

That for clause 3 (*7*), the following be substituted, namely:—

"(*7*) 'young person' means a boy who is fourteen years of age or upwards or a girl who is twelve years or upwards, and in both cases under the age of sixteen years."

The question that clause 3 stand part of the Bill was then put and carried.

Clause 4.

The Hon'ble Sir ABD-UR-RAHIM: I submit that the consideration of this clause may be taken up at the end as there are certain other clauses in which the question of jurisdiction of the courts will arise. Until those clauses are dealt with we are not in a position to pass clause 4.

It was agreed that clause 4 should be taken up at the end.

Clause 5.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 5 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 5 (*1*), penultimate line, after the word 'Magistrate' the words having authority to exercise powers under this Act and' be inserted."

I think this is necessary and I explained the matter in my private talk with Mr. Duval.

The Hon'ble Sir ABD-UR-RAHIM: We accept this because it will make clear that only the Magistrates who have jurisdiction and the right to exercise powers under the Act will act. If the words "Magistrate having jurisdiction in the case" stand alone, then it might include Magistrates who have not got powers under the Act.

The motion was then put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 5 (2), for the words 'such further inquiry (if any) as it may think fit' the words 'such additional inquiry as is necessary.' be substituted."

My reasons are these. Under this clause, as it stands, it may not be necessary for the Magistrate to make any further additional inquiry. It may be that he may revise the whole thing and he may come to a different conclusion from that of the committing Magistrate. I remember, though I cannot get hold of the particular ruling, that in a certain criminal case, when it was sent back to the Magistrate for further inquiry, he came to a different finding upon the same evidence as no further additional evidence was forthcoming and it was held that he was quite within his rights. Similar things may happen here. I think a Magistrate should not be allowed to come to a different opinion without making additional inquiry. If necessary, he may come to a different conclusion after collecting additional information. In this view, I think, my amendment may be accepted.

The Hon'ble Sir ABD-UR-RAHIM: I am sorry I am unable to accept this amendment. If what Kishori Babu means is that the Magistrate to whom the proceedings are sent is bound to make additional inquiry, I cannot agree with him. The object of clause 5 is that if the Magistrate before whom a boy is brought up for trial has not got the power to deal with him under the Act, then he has to forward the proceedings to a Magistrate who has got such power, and surely that Magistrate, if he finds that there is sufficient evidence, will deal with him accordingly. If there is not sufficient evidence, then this clause 5 (2) gives him the power to make further inquiry which includes taking further additional evidence. That is the provision of the Criminal Procedure Code in cases where inquiry is made in certain matters by Magistrates exercising second and third class powers if they cannot pass sentence which they think ought to be passed. In such cases the trying Magistrate sends the case to the District Magistrate who is empowered to make further inquiry, if further inquiry is necessary, and then deal with the case. But the District Magistrate to whom the case is sent is not compelled to act upon the evidence already on record but can, if found necessary, for purposes of dealing properly with the case, take further evidence and deal with it.

The other amendment is entirely verbal. I do not think the word "additional" in place of "further" will be an improvement. "Further

inquiry" is a very usual phrase in enactments, and it is a principle of drafting to adhere to the phrases that are already in use in law. I therefore oppose the amendment that has been moved.

The motion was then put and lost.

The question that clause 5 as amended stand part of the Bill was then put and agreed to.

Clause 6.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 6 stand part of the Bill.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in clause 6 (*1*) line 1, for the word ' may ' the word ' shall ' be substituted."

The reason is that if the Bill be put into operation for the benefit of children, then it is necessary that Government should get up institutions as defined in clause 6 of the Bill. The matter is left entirely to Government either to get up these institutions or not. But just as the Act is put into operation the discretion of Government ceases and consequently it is necessary that there should be an imperative word like the one I have suggested. I trust the Hon'ble Sir Abd-ur-Rahim will consider this matter and I leave it to the consideration of the Council and the Hon'ble Member in charge.

Rai Dr. HARIDHAN DUTT Bahadur: I am afraid I cannot agree to this amendment of Rai Mahendra Chandra Mitra Bahadur. I believe that the provision that has been made in the Bill for having two different kinds of industrial schools is a good and sound one. The Local Government may, when necessary, establish such schools, and in clause 6 (*2*) it has been provided that, if any private school to meet the requirements of the case is established, Government may give grants to that institution for its upkeep. I believe that is a sound policy, and I think so because our experience is that whenever these boys or young persons are about to be sent to any institution belonging solely to Government, a hue and cry is raised against such an institution. I do not for a moment suggest that all these Government institutions are badly managed, but for some reason or other an amount of stigma is attached to them, and the result is that most of these institutions get an unpopularity which a private institution need not have. So I am one of those who believe that philanthropic institutions of this nature should be the outcome of this Bill. Missionary institutions may be established here and there, and even Indians actuated by philanthropic and charitable ideas may establish institutions to meet the requirements of the case, and if the latter is done, then, perhaps, a better solution of the difficulty will be arrived at. So, I think, instead of insisting that Government must, as a matter of course, establish these institutions, the sound course

would be to impose a duty upon the Government to establish such institutions and at the same time to give a scope for private institutions as well. As I have already said, I, for myself, would like a private institution helped by Government with a grant than a pure and simple Government institution. That is the reason why I cannot support the amendment of Rai Mahendra Chandra Mitra Bahadur.

Mr. W. C. WORDSWORTH: On behalf of Government, I oppose the amendment. The Bill aims at providing certain opportunities for children who have started their lives badly. These opportunities will be given in two classes of institutions, and it will be incumbent upon those responsible for the administration of the Act to see that these schools are provided in requisite number and with necessary accommodation. That being so, there is a duty incumbent upon Government to provide whatever part of the need is not provided by other associations or agencies, and this clause is drafted to recognise that point of view. It is quite probable that a very large part of this work will be carried out by private philanthropic agencies. We, in Bengal, have seen so much done for the unfortunate classes that we are entitled to believe that men and women will come forward to help in this new kind of social work, and the experience of England may also encourage us. Government institutions there for poor children have steadily declined in number because most of that work is now done by private agencies. I have looked through the reports of the Chief Inspector of Reformatory and Industrial Schools, and I believe that everyone of the 220 schools now under his jurisdiction is run by non-Government agency. England has come to the conclusion that children in Government institutions for the poor do not get the chances of life that they ought to have. It is probable that Government in Bengal will have to establish and maintain whatever reformatory schools are necessary. It is hoped that a large number of industrial schools will be provided by non-Government agencies. The mover of the amendment would endeavour to force upon Government the obligation of establishing and maintaining both kinds of schools and Government would prefer to await developments and to leave Government's obligations in the matter somewhat indefinite in the way which I have described.

The motion was then put and lost.

The following amendment standing in the name of Rai Mahendra Chandra Mitra Bahadur, being consequential, fell through:—

"That in clause 6 (*1*), penultimate line, for the words 'and children' the words 'children and young persons' be substituted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in clause 6 (*2*), line 1, for the words 'may certify that' the words 'on the application of or with the consent of the managers of ' be substituted."

These words are necessary. There ought to be an application on behalf of the managers of the reformatory or industrial school before Government certifies it. This is my suggestion and I submit that this should be taken into consideration by the Hon'ble Member in charge of the Bill.

Mr. W. C. WORDSWORTH: Government have no objection to this amendment.

The motion was then put and agreed to.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in line 3 of the same clause before the words 'is fit' the words 'may certify that such reformatory or industrial school' be inserted."

This I have introduced for the purpose of making the section more clear.

Mr. W. C. WORDSWORTH: Government accept the amendment.

The motion was then put and agreed to.

Babu INDU BHUSHAN DUTTA: I move "that in clause 6 (*2*), line 1, after the word 'may' the following be inserted, namely:—'on the application of the managers or managing body thereof'"

I do not see any difference between the amendment of Rai Mahendra Mitra Bahadur and mine——

The Hon'ble Sir ABD-UR-RAHIM: You say managers or managing body thereof.

Babu INDU BHUSHAN DUTTA: My intention in putting "managers or managing body" is that there is some distinction between a manager and a managing body. In some institutions there is a paid manager, while a managing body is an honorary body and that is why I wanted to make a distinction. The real point is that the managing body or managers must apply first, before any action is taken.

The Hon'ble Sir ABD-UR-RAHIM: If you have a managing body and then have managers again, it is superfluous. In England, I understand, they are called superintendents, but that is not the amendment here. Wherever there is a managing body, we will not have managers. I would suggest to Babu Indu Bhushan Dutta to leave it as it is.

The motion was then, by leave of the Council, withdrawn.

The following amendments, standing in the names of Rai Mahendra Chandra Mitra Bahadur and Babu Indu Bhushan Dutta, respectively, being consequential, fell through.

"That in clause 6 (*2*), lines 3 and 4, after the words 'youthful offenders,' the words 'young persons' be inserted."

"That in clause 6 (*2*), line 5, after the word 'managers' the words 'or managing body' be inserted."

The question that clause 6 as amended stand part of the Bill was then put and agreed to.

Clause 7.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 7 stand part of the Bill.

Babu INDU BHUSHAN DUTTA: I move "that clause 7 (*2*) be omitted."

My reasons are obvious. We do not want that even in form, the personnel of the managing committee of such institutions should have the approval of the Government. There are many industrial associations and industrial schools in this country and, there may be quite fit and honest persons in the Board who, however, may not be in the good books of the authorities. I do not like that such persons should be removed from the managing committee. For instance, there are schools in Calcutta where certain members of the managing committee are non-co-operators and may not be considered fit persons by the authorities. But I know they are honest persons and command the confidence of the public. It is for these reasons that I want the deletion of the sub-clause. It is not the personnel but the management that is the most important point. If the management is all right, what does it matter who form the personnel of the Committee?

Mr. W. C. WORDSWORTH: On behalf of Government, I oppose this amendment. The situation briefly is that Government must have managers in whom it has confidence. The responsibility thrown on Government by this Bill is not light and if Government is to acquit itself properly, it must in its turn see that it delegates its functions under Bill to known and suitable men. It is true that in another section of this Bill to known and suitable men. If it true that in another section of the Bill, section 11, Government is given the right to deal with very difficult cases. Government, if dissastified with the condition, management or superintendence of the school, takes away the certificate of that school. But it is obvious that this is a power that can be used only in a very special emergency. It is not a weapon that can be used ordinarily. It is true that normally we need not fear any inconvenience arising out of the action of the managers, and I need not here say to what degree the education of this province is due to the labours and devotion of the managers of schools. But it sometimes happens that Government has to say for adequate reasons that such and such a man is not fit to be associated with the management of a school, and against such emergencies it is necessary that there should be an adequate safeguard. If Government were forced to use section 11 of the Bill every time that such a difficulty occurs the procedure would be far too cumbrous. That would mean that if a manager of whom Government could not approve

were appointed to a committee of management, Government could secure his removal only by threatening the withdrawal of a certificate under section 11. That is an absurd position and one that would certainly destroy all good relations between Government and the management of the school and thereby would do great harm instead of good. I do not think that we need anticipate that Government will use this power lightly. Government will be well aware of the purposes for which these responsibilities are thrown upon Government by the Bill, and I imagine that Government's action under the Bill will be dictated by a full sense of responsibility. I, therefore, oppose the amendment on the ground that it is necessary for Government to prevent the association of obviously undesirable persons with any school subsided by public money for the purposes of this Bill.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to support the amendments on the following grounds. If the managing body is appointed at all, they ought to have independence in the matter of management. They are the representatives of school authorities and, if they are to be under the control of Government their hands may be tied. We are assured on behalf of Government that Government will not interfere on any and every occasion. But at the same time, it is put down in law, in clear terms, that the management should have the approval of the Government, and my submission is that Government will be very likely to interfere which is not liked at all.

Babu KISHORI MOHAN CHAUDHURI: I also support the amendment. I think, in a matter like this, there should not be any undue interference on the part of Government. In the mufassal, information is supplied by the police and in many cases correct information is not supplied by the police. When a school is to be certified it should be seen whether the school is quite competent or not to discharge the duties entrusted to it instead of looking at the personnel of the managing body. The personnel should not be interfered with.

The Hon'ble Sir ABD-UR-RAHIM: I think the mover of this amendment as well as the two supporters are influenced by undue suspicion as to the object of this sub-clause. They seem to be apprehensive that in deciding what schools are to be certified, Government will import into their judgment extraneous considerations. I can assure my Hon'ble friends that nothing was further from the minds of those who are responsible for the Bill than that we shall refuse to certify certain schools simply because the politics of certain members of the managing body are not acceptable to the Government. It is a philanthropic measure and Government will be very anxious to receive the co-operation of every one who is in sympathy with the objects of the Bill. But the Government is entitled to see that a school is under proper management before it makes up its mind to entrust unprotected children to it. And how is the Government to satisfy itself unless it

is satisfied as to the fitness of the persons who manage such schools? Surely this is an important matter, and I trust it will be considered undesirable to tie the hands of Government in this respect. Supposing there are persons on the managing body of a school who are not fit to carry out the provisions of this Bill, then it would surely not be expedient to compel the Government to recognise that school. It is simply to ensure that the school will be carried on in accordance with the intentions of this Bill that this sub-clause has been put in. If you remove this sub-clause then the result will be that the children may have to be sent to schools which are managed by persons who have neither the capacity nor the fitness to look after and educate them. On these grounds, I oppose the amendment.

Babu INDU BHUSHAN DUTTA: Have I the right of reply?

The DEPUTY-PRESIDENT: No.

The motion was then put and lost.

The following amendment, which stood in the name of Babu Kishori Mohan Chaudhuri, was, by leave of the Council, withdrawn:—

"That in clause 7 (2), after the words 'such person' the words 'and in such manner' be inserted."

Babu INDU BHUSHAN DUTTA: I move that at the end of clause 7, the following be added, namely:—

'2(a) Girls and boys shall not be placed or kept in same school, whether such school be established or certified by the Local Government under section 6.'

My reasons are obvious. There is very great objection in having boys and girls placed in the same school. In India the social system does not permit it and the popular opinion is against it. So Government ought to see that schools are made quite separate.

The Hon'ble Sir ABD-UR-RAHIM: We are prepared to accept the amendment. Of course, it is the intention of Government to have separate schools for boys and girls ordinarily, but in order that there may be no misapprehension we accept this amendment though in a modified form—

"Where girls and boys are accommodated in any reformatory or industrial school, the accommodation provided for girls shall be in a separate building and compound."

The modification, being accepted by the mover, the motion was put in the modified form and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I move that to clause 7, the following be added namely:—

'Provided that if such school established or certified under section 6 be for girls only, it shall be managed by ladies so far as possible.'

In this case, I think the amendment will be acceptable. If we are going to have separate accommodation for girls, it is right that we should have separate teaching staff for them.

The Hon'ble Sir ABD-UR-RAHIM: I quite sympathise with the object of the mover and we propose to provide for what he desires under the rules. We have reserved to ourselves very wide powers under section 40 which will cover this matter, and I do not think it necessary to bring it in the clause itself. It may be difficult to get lady teachers and there may be no objection to male teachers in the case of Christian girls for instance. Therefore, we want to reserve a power under the rules and I submit that this matter ought not to be put in the clause.

The motion was put and lost.

The motion that clause 7, as amended, stand part of the Bill was then put and agreed to.

Clause 8.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 8 stand part of the Bill.

The following amendment standing in the name of Babu Kishori Mohan Chaudhuri, was, by leave of the Council, withdrawn:—

"That in Clause 8(*1*), the words 'of the chief inspector' where they first occur, be omitted."

Babu KISHORI MOHAN CHAUDHURI: I move that in clause 8 (*2*), line 1, for the words 'such schools' the words 'school established or certified under section 6 of this Act' be substituted.'

I hope it will be accepted.

The Hon'ble Sir ABD-UR-RAHIM: We accept the amendment but we want to modify it a little and instead of "schools established or certified under section 6 of the Act" we would have "reformatory and industrial school."

The motion having been accepted by Babu Kishori Mohan Chaudhuri, it was put in the modified form and agreed to.

The DEPUTY-PRESIDENT: I understand that in the absence of Prof. Mukherji, Mr. Wordsworth will move the next amendment.

Mr. W. C. WORDSWORTH: I move that in clause 8(*2*), lines 1 and 2, for the words 'every year' the words 'every six months' be substituted.'

The motion was put and agreed to.

The following amendment, standing in the name of Babu Kishori Mohan Chaudhuri, failed:—

"That in clause 8 (*2*), line 2, for the word 'or' the words 'and at least twice' be substituted."

The DEPUTY-PRESIDENT: In regard to the next motion, I would ask the mover to move it in two parts.

Babu KISHORI MOHAN CHAUDHURI: I move that in the proviso to clause 8, for the words 'when practicable' the words 'in the absence of any special orders from the local Government in that behalf' be substituted.

I do not think any explanation is necessary from me. I hope it will commend itself to the House.

The Hon'ble Sir ABD-UR-RAHIM: This will really tie the hands of Government too much. As it is, the inspection of girls' schools will ordinarily be conducted by women. The clause as it stands is quite all right and will serve the purpose of the mover and I think the amendment is quite unnecessary.

The motion was put and lost.

The second part of the amendment that for the word "woman" the word "lady" should be substituted, was then withdrawn by the mover.

The motion that clause 8, as amended, stand part of the Bill was then put and agreed to.

Clause 9.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 9 stand part of the Bill.

Babu INDU BHUSHAN DUTTA: I move that in clause 9, after the words 'assistant inspector,' the words 'authorised in that behalf by the chief inspector' be inserted.

I must confess that I am afraid of the abuse of power by the subordinate inspecting staff and that is why I propose that the subordinate inspectors should not inspect schools without being authorised by the chief inspector.

Mr. W. C. WORDSWORTH: Government will gladly accept this amendment.

The motion was put and agreed to.

The motion that clause 9, as amended, stand part of the Bill was put and agreed to.

Clause 10.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 10 stand part of the Bill.

The following amendment which stood in the name of Babu Kishori Mohan Chaudhuri failed:—

"That in the proviso to clause 10, for the words 'when practicable' the words 'in the absence of any special orders from the Local Government in that behalf' be substituted, and for the word 'woman' the word 'lady' be substituted."

The DEPUTY-PRESIDENT: The question before the House is that clause 10 stand part of the Bill.

The motion was then put and agreed to

Clause 11.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 11 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move that in clause 11, line 3, for the words 'at any time' the words 'after a requisition to make the necessary improvements and on non-compliance with such requisition within the time specified therein or subsequently extended on application in that behalf (provided that such time shall always be sufficient),' be substituted.

It is obvious that, if the Local Government are dissatisfied with the condition and management, etc., of any particular school, some opportunity should be allowed to the managing body to rectify its mistake or improve the condition of the school. When notices are served to that effect and no remedial measures are taken, in that case only a declaration may be made as provided by the section. It is only a safeguard so that there may be no unnecessary interference solely on the report supplied by the police officers.

The DEPUTY-PRESIDENT: As the three following amendments are all connected, I would ask Babu Indu Bhushan Dutta to move his amendment.

Babu INDU BHUSHAN DUTTA: I move that in clause 11, line 4, before the word 'notice' the word 'reasonable' be inserted."

It is a very reasonable suggestion. I think a reasonable notice should be given before any action is taken. I do not see that there can be any objection to this.

Rai MAHENDRA CHANDRA MITRA BAHADUR: I beg to withdraw the amendment which stands in my name.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 11, proviso, after the words 'youthful offenders' the words 'young persons' be inserted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that after the proviso to clause 11, the following be added, namely:—

'Provided also that in all cases of withdrawal of the certificate or prohibition of admission of the youthful offenders, young persons or children, reasonable opportunity shall be given beforehand to the managers of the school to show cause why such withdrawal or prohibition shall not be ordered.'

I beg to submit that the suggestion of mine is a reasonable one, and I hope and trust that Government will accept it.

Mr. W. C. WORDSWORTH: These three amendments aim at the same purpose and on behalf of Government I formally oppose Nos. 37 and 38, and am prepared to accept No. 40 with certain alterations in drafting. It was of course never the intention of Government to take action without giving the schools a reasonable opportunity in difficulties of this kind. I believe that it is an established principle in legal drafting that the words "opportunity" and "notice" mean reasonable opportunity and notice. But at the same time Government is prepared to accept the proposition that something more definite is advisable in the way of a safeguard, and, if Rai Mahendra Chandra Mitra Bahadur will allow his resolution to be re-drafted in this form Government will be prepared to accept it, and this, I think, will meet the wishes of the other movers:—

"That after the proviso to clause 11, the following words be added:—'Provided also that before the issue of notice under this section or under the proviso thereto, a reasonable opportunity shall be given to the managers of the school to show cause why the certificate shall not be withdrawn or admission to the school shall not be prohibited, as the case may be.'"

Babu INDU BHUSHAN DUTTA: I accept it.

Rai MAHENDRA CHANDRA MITRA Bahadur: I also accept

The motion as modified was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 11, as now amended, stand part of the Bill.

The motion was put and agreed to.

Clause 12.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 12 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 12, line 6, for the words 'date of the notice' the words 'date of the receipt of the notice by the chief inspector' be substituted."

The Hon'ble Sir ABD-UR-RAHIM: On behalf of Government, I accept the amendment.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 12, as amended, stand part of the Bill.

The motion was put and agreed to.

Clause 13.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 13 stand part of the Bill.

Rai MAHENDRA CHANDRA MITRA Bahadur: I have explained my reasons and I beg to withdraw my amendment.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 13, line 1, after the words 'youthful offender' the words 'young person' be inserted, and in line 8 of the same clause after the words 'youthful offenders' the words 'young persons' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 13, line 5, after the words 'the date of' the words 'the issue of' be inserted."

Mr. H. P. DUVAL: On behalf of Government, I accept it.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 13, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 14.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 14 stand part of the Bill.

The following amendment, which stood in the name of Rai Mahendra Chandra Mitra Bahadur, failed:—

"That in clause 14, line 2, after the words 'youthful offenders' the words 'young persons' be inserted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move that in clause 14, line 3, after the word 'discharged' the words 'absolutely or conditionally' be inserted.

It is not necessary for me to explain further in this matter. I hope the Government will see their way to accept it.

Mr. H. P. DUVAL: On behalf of Government I am prepared to accept the amendment if it takes the following form: "absolutely or on such conditions as the Local Government may impose." I think this wording is better than what Rai Mahendra Chandra Mitra Bahadur proposes.

Rai MAHENDRA CHANDRA MITRA Bahadur: I accept the amended wording.

The motion was then put in the modified form and agreed to.

Mr. H. P. DUVAL: In the absence of Professor S. C. Mukherji, I propose "that in clause 14, line 5, after the word 'school' the words 'or auxiliary home' be inserted."

This is important because in the following clause, namely, 15, we provide for auxiliary homes in addition to reformatory or industrial schools. These homes will probably be in the hills and will be attached to or connected with a certain number of schools in the plains. I think Government should have the power to deal with offenders or young children in these homes when they come into existence. Government should also have the power to transfer from schools children both to the reformatory and industrial schools and also, if necessary, to the auxiliary homes.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 14, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 15.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 15 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I beg leave to withdraw the amendment standing in my name.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 15, line 2, after the word 'homes' the words 'to be attached to a reformatory or industrial school' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I beg to withdraw the next amendment.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 15, line 3, after the words 'inmates of' the word 'such' be inserted."

The following amendment, which stood in the name of Babu Indu Bhushan Dutta, failed:—

"That in clause 15, line 4, after the word 'may' the words 'on application made by the managers or managing body thereof' be inserted.'"

Babu KISHORI MOHAN CHAUDHURI: I beg leave to withdraw my next amendment.

The following amendment was then, by leave of the Council, withdrawn:—

" That in clause 15, line 6, for the word ' the ' the word ' such ' be substituted.' "

Babu KISHORI MOHAN CHAUDHURI: I move that in clause 15, line 7, after the words ' certificate of a ' the words ' reformatory or industrial ' be inserted.

I think it is necessary that these words should be inserted and I hope Government will accept it.

Mr. H. P. DUVAL: On behalf of Government, I am prepared to accept it.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 15, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 16.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 16 stand part of the Bill.

The following amendment standing in the name of Rai Mahendra Chandra Mitra Bahadur, being consequential, failed:—

" That in clause 16, after the word ' offender ' in line 2 and in line 4, the words ' young person ' be inserted."

Mr. W. C. WORDSWORTH: I move that in clause 16, lines 5 and 6, for the words ' teach, train lodge ' the words ' teach and train, and, further, if the school is residential, to lodge ' be substituted.

This amendment aims at correcting a mistake in drafting. It is the intention of the Bill to include both residential and non-residential schools and if this alteration is not made, the purpose of the Bill in this respect will be partly frustrated.

The motion was then put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I move " that to clause 16, the following be added, namely:—

' Provided that the Local Government may, on an application made in that behalf through the chief inspector by the managers of a certified school, arrange for the transfer of such offender or child to any other reformatory or industrial school.' "

I think this addition is necessary and I hope Government will accept it.

Mr. H. P. DUVAL: Government are prepared to accept this amendment provided that the words " through the chief inspector " are omitted. There seems to be no particular reason that this should be defined, so we suggest that these words be omitted.

Babu KISHORI MOHAN CHAUDHURI: I accept the suggestion. The amendment, as modified, was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 16, as amended, stand part of the Bill.

The motion was then put and agreed to.

Clause 18.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 18 stand part of the Bill.

Rai HARENDRANATH CHAUDHURI: I move that in clause 18, line 4, for the word ' may ' the words ' may in any case and shall ' be substituted.

I do not understand why the liberal touches in the English Act should be left out. The English Act does not stop with the word " may" before the word " unless " in the corresponding clause, but says " may in any case and shall unless, etc." The result is that under the English Act the officer in charge of a police-station is bound to release an arrested boy on bail unless the charge is such a grave one as that of homicide, etc. And even in such grave cases as are punishable with death or transportation in case of an adult, the officer in charge of a police-station can exercise his discretion in allowing bail. But here the pruning-knife has been so applied that this Bill not only precludes the exercise of such a discretion by officers in charge of police-stations in grave cases but also empowers him to refuse bail even when the boy is charged with light offences. The meaning, therefore, comes to be just the opposite of what the English Act intends. Whatever view may be taken with regard to graver offences, there is certainly no justification why in other cases grant of bail to children of tender years should be left to the discretion of officers in charge of police-stations and why such children charged with any and every offence, are to be kept confined simply to be produced before a court which again may after trial acquit him.

The Hon'ble Sir ABD-UR-RAHIM: I am prepared to accept the amendment. I do not think there is any danger of the clause not being worked properly, but at the same time the argument of Rai Harendranath Chaudhuri is right that it might be desirable to assimilate this provision with that of the English Act.

The motion was then put and agreed to.

The following amendment standing in the name of Professor S. C. Mukherji was, in the absence of the member, deemed to be withdrawn:—

" That in clause 18, line 4, for the word ' may ' the word ' shall ' be substituted.' "

Rai Dr. HARIDHAN DUTT Bahadur: On behalf of Babu Indu Bhushan Dutta, by leave of the Council, I beg to withdraw the amendment " that in clause 18, line 4, for the word ' may ' the word ' shall ' be substituted," as I have not been able to follow what has been the effect of the passing of amendment No. 54 of Rai Harendranath Chaudhuri.

The amendment was then, by leave of the Council, withdrawn.

Babu KISHORI MOHAN CHAUDHURI: I move that in clause 18, line 4, after the word ' may ' the words ' if the person arrested is a boy and ' be inserted.

I think a special provision is necessary and I hope it will be accepted by Government.

The DEPUTY-PRESIDENT: The alternative amendment has been carried, so your motion fails.

The Hon'ble Sir ABD-UR-RAHIM: I move " that in clause 18, line 5, before the word ' homicide ' the word ' culpable ' be inserted."

The motion was then put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I move " that in clause 18, lines 5 and 6, the words ' in the case of an adult ' be omitted."

I need not say much, but I think this will be accepted by Government.

Mr. H. P. DUVAL: Government are prepared to accept the amendment. We consider this a matter of drafting.

The motion was then put and agreed to.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move that in the last line of clause 18, for the words ' release him on bail, with or without sureties ' the following be substituted, namely:—

' (*a*) in the case of a boy, release him on a recognizance being entered into by him or by his parent or guardian with or without sureties, for such an amount as will, in the opinion of the said officer, secure the attendance of such person upon the hearing of the charge; and

(*b*) in the case of a girl above the age of eleven years, the said officer shall release her at once if her parents or husband or any male member of her family or any other respectable person stands surety for her and goes to the police-station in her stead.'

I consider myself very fortunate that I raised the question of the inclusion of girls in the Bill. That was carried in the Select Committee against much opposition, but the oppositionists, I am glad to find, have not the courage to move any amendment in the Council. When I pleaded for the inclusion of girls, I was quite conscious of the danger of

including them in this Bill. Every safeguard should be made for their protection and, therefore, I put in this amendment in the terms of the English Act.

The case of girls is new. I am very apprehensive that girls above the age of 11 would not have adequate respect or protection in a police-station. We all know what a police-station means. Therefore, Sir, in the case of girls, I desire that the officer who arrests shall release her if her parent or husband or any other person stand surety for her and goes to the police-station in her stead. I do not wish to make any long speech on this matter because, so far as I understand, Government will not oppose it.

The DEPUTY-PRESIDENT: Are you going to move the amendments separately?

The amendments were then separately moved.

The Hon'ble Sir ABD-UR-RAHIM: I really should have like to hear what is the difference between the law as drafted here read with amendment No. 54 and the amendment of Rai Jogendra Chunder Ghose Bahadur. Amendment 54, which has just been accepted by Government and carried in the Council, makes it obligatory on an officer to release a boy or girl who has been arrested in all cases except where the charge is one of culpable homicide or any other offence punishable with death or transportation. I do not think that the Rai Bahadur wants that, in cases where there is a charge of culpable homicide or any other offence punishable with death or transportation, an officer should be compelled to release the young person on bail. Even in those cases, if a proper bail is forthcoming he is empowered to release on bail. In all other cases he is bound to accept bail. I do not see how this amendment is any improvement or achieves any object which is not covered by the clause as it stands. No doubt his language is taken by my friend from the English Act, but we have got used to our own legal phraseology and the word bail is well-known to lawyers, and I do not think there is any necessity for departing from that phrase. I really do not see in what way there would be greater protection under the amendment, as moved by the Rai Bahadur, than under the clause as it stands taken with the amendment No. 54, which has been carried by the Council.

Rai JOGENDRA CHURDER GHOSE Bahadur: I quite see what the Hon'ble Sir Abd-ur-Rahim says. All that I desire is this that they should be released on a personal bail.

The Hon'ble Sir ABD-UR-RAHIM: It would not be practicable to release a child who has been brought up in that way. What is the value of recognisance from children who wander about in the streets or are under the control of undesirable men? It is no use taking recognisance from them. I thought the Rai Bahadur saw that and consented to delete the words " by him or " from his amendment. You have got everything in the clause itself. Only the language is different.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move that in the last lime of clause 18, for the words " release him on bail, with or without sureties," the following be substituted, viz:—in the case of a boy, release him on a recognizance being entered into by him or by his parent or guardian with or without sureties, for such an amount as will, in the opinion of the said officer, secure the attendance of such person upon the hearing of the charge.

What I desire is this; the section, as amended, seeks to release him on bail. Now the question is this. The police officer may require a very heavy bail; he may ask for a bail of Rs. 1,000. Therefore I wish, on personal recognizances of the father or the guardian, he may be released forthwith. This point might be considered.

The Hon'ble Sir ABD-UR-RAHIM: I do not think that the amount should be mentioned; the amendment says 'with or without sureties for such an amount, etc., etc.' So practically there is no difference.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I am afraid my wording is bad.

The Hon'ble Sir ABD-UR-RAHIM: I think our drafting is much simpler and more to the point.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I quite see that the amendment as phrased is not sufficient for my purpose.

The Hon'ble Sir ABD-UR-RAHIM: I do not think it is neessary.

The motion was then, by leave of the Council, withdrawn.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move that in the last line of clause 18, for the words " release him on bail, with or without sureties," the following be substituted, viz:—in the case of a girl of eleven years, the said officer shall release her at once if her parents or husband or any male member of her family or any other respectable person stands surety for her and goes to the police-station in her stead.

The question is this: In the case of a boy he must go to the police-station; in the case of a girl, all that I desire is that she should not be compelled to go to the police-station if somebody stands surety for her; and that also, I say, in the case of girls above the age of 11.

The DEPUTY-PRESIDENT: Amendment No. 62 is analogous to this one. I therefore ask Babu Kishori Mohan Chaudhuri to move the amendment which stands in his name so that we can have one discussion.

Babu KISHORI MOHAN CHAUDHURI: The amendment is worded in a different way. I have made a slight alteration because the language seems to me to be defective. As in the case of a girl she may not be obliged to go to the police-station, so I beg leave to move this amendment in a different form.

The amendment was then, by leave of the Deputy-President, moved in the folowing amended form:—

"But in the case of a girl may release her on bail furnished by her parents or guardian, with or without sureties, for such an amount as will, in the opinion of the officer, secure her attendance upon the hearing of the charge."

The Hon'ble Sir ABD-UR-RAHIM: The only point that I can see is that the girl may not be removed to the police-station, that is to say, when the parent or guardian or any member of her family is willing to stand surety for her. No doubt, clause 18 does imply that she may be brought to the police-station and the officer in charge of the police-station to which such person is brought may release her on bail. I am prepared to agree that this may not be necessary; we may give power to the officer arresting, to release her at once on bail, provided proper sureties are forthcoming, so that it may not be necessary to take her to the police-station. But I cannot accept the amendment as drafted. It requires redrafting. If it is properly drafted, I have no objection.

Rai JOGENDRA CHUNDER GHOSE Bahadur: As you accept the principle of the amendment, I shall leave it to you or to the Secretary to redraft it.

The consideration of this amendment was then postponed to the next day.

Clause 19.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 19 stand part of the Bill.

Rai Dr. HARIDHAN DUTT Bahadur: On behalf of Babu Indu Bhushan Dutta, by leave of the Council, I move that in clause 19 (*f*), line 4, after the word 'detained' the words 'in a place other than a police-station or jail' be inserted.

It is quite clear that the intention of the legislature should be to protect these young persons as far as possible from the objectionable surroundings of a police-station or a jail. This can only be done by inserting this clause so that these young persons before conviction should not have any contact with criminals. In this view I trust that this amendment will be accepted.

The Hon'ble Sir ABD-UR-RAHIM: On behalf of Government, I am prepared to accept this, but the only consideration is whether a proper place will be available everywhere at once. We have a place at Lower Circular Road: however, I am prepared to accept this amendment.

The motion was then put and agreed to.

In the absence of the member the following amendment was deemed to be withdrawn:—

"That in clause 19(*1*), line 5, after the word 'manner' the words 'in a place other than a police-station' be inserted."

The following amendment standing in the name of Babu Kishori Mohan Chaudhuri was, by leave of the Council, withdrawn:—

"That in clause 19(*1*), line 5, for the words 'prescribed manner' the 'manner prescribed' be substituted."

Rai Dr. HARIDHAN DUTT Bahadur: By leave of the Council, on behalf of Babu Indu Bhushan Dutta, I move that in clause 19(*2*) after the word 'custody' the words 'in a place other than a police-station or jail' be inserted.

Mr. H. P. DUVAL: I think the member is under some misapprehension. If the amendment is accepted, the section will read thus: "No police officer shall detain in custody in a place other than a police-station or jail, any such person . . ." It will thus be seen that a police officer has got to detain the person according to the amendment in a police-station or jail. This is just opposite to what has just now been accepted. (Laughter.)

The motion was then, by leave of the Council, withdrawn.

Babu KISHORI MOHAN CHAUDHURI: I move that in clause 19(*2*) for the word 'reasonable' the words 'absolutely necessary' be substituted.

I wish to make this stronger and to impress upon the police officer that it is absolutely necessary.

The Hon'ble Sir ABD-UR-RAHIM: This wording is as it appears frequently in the Criminal Procedure Code. I do not think I have come across the words 'absolutely necessary' anywhere. I oppose it.

The motion was then put and lost.

The motion that clause 19, as amended, stand part of the Bill was put and agreed to.

Clause 20.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 20 stand part of the Bill.

Rai Dr. HARIDHAN DUTT Bahadur: By leave of the Council on behalf of Babu Indu Bhushan Dutta, I move that in clause 20, line 4, after the word 'detained' the words 'in a place other than a police-station or jail' be inserted.

Mr. H. P. DUVAL: On behalf of Government I accept this.

The motion was then put and agreed to.

Rai HARENDRANATH CHAUDHURI: I move that in clause 20, line 3, for the word 'may' the word 'shall' be substituted.

The avowed object of the Bill is to extend protection to children and young persons and provide for educational treatment of youthful offenders and not to give them a foretaste of the prison. Therefore, I propose that the word 'shall' be substituted for the word 'may.' In the corresponding section of the English Act the word 'shall' and not 'may' occurs. [*Cf.* Section 97(*1*) of the English Act.].

In the event of my amendment being accepted, the section will read thus:—

"A court . . . shall, instead of committing him to prison, order him, etc., etc."

Mr. H. P. DUVAL: On behalf of Government I accept this.

The motion was then put and agreed to.

The following amendment which stood in the name of Babu Kishori Mohan Chaudhuri, being identical, failed:—

"That in clause 20, line 3, for the word 'may' the word 'shall' be substituted."

The following amendment which stood in the name of Babu Kishori Mohan Chaudhuri was, by leave of the Council, withdrawn:—

"That in clause 20, line 5, for the words 'prescribed manner' the words 'manner prescribed' be substituted."

The motion that clause 20, as amended, stand part of the Bill was put and agreed to.

Clause 21.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 21 stand part of the Bill.

The following amendments which stood in the name of Babu Kishori Mohan Chaudhuri were, by leave of the Council, withdrawn:—

"That in clause 21, the word 'at' in the two places where it occurs after the word 'attend' be omitted."

"That in clause 21(*3*), for the words 'parent or guardian' in the second place where they occur, the word 'person' be substituted."

The Hon'ble Sir ABD-UR-RAHIM: I move that in clause 21(*3*) for the proviso, the following be substituted, namely:—

'Provided that, if the parent or guardian is a person other than the father, the attendance of the father or, if the father is dead or cannot be found, the attendance of the nearest adult male relative may also be required.'

The object of this is obvious; where there is a guardian or parent other than the father, the father ought to be asked to attend; if the father is not available, then the nearest male adult relative may be required to

attend. The original drafting was bad and the clause has been re-drafted in order to make it clearer. This will cover amendments Nos. 73 and 74 and makes clearer the intention of the Bill.

The DEPUTY-PRESIDENT: I think this amendment covers amendments Nos. 73 and 74. I ask Babu Kishori Mohan Chaudhuri if he has anything to say.

Babu KISHORI MOHAN CHAUDHURI: As the amendment covers amendments Nos. 73 and 74, I beg leave to withdraw them.

The following amendments, which stood in the name of Babu Kishori Mohan Chaudhuri, were then, by leave of the Council, withdrawn:—

"That in clause 21(*3*), proviso, line 1, for the words 'that person' the words 'such persons' be substituted."

"That in clause 21(*3*), proviso, line 2, after the word 'or' the words 'if the father cannot be found' be inserted."

The original amendment standing in the name of the Hon'ble Sir Abd-ur-Rahim, was then put and agreed to.

The following amendments which stood in the name of Babu Kishori Mohan Chaudhuri, were, by leave of the Council, withdrawn:—

"That in clause 21(*4*), line 3, after the word 'was' the word 'immediately' be inserted."

"That in clause 21(*4*), line 4, after the word 'proceedings' the words ' or his arrest under the provisions of this Act ' be inserted."

"That in clause 21(*5*), line 6, after the word 'may' the words 'if she so wishes' be inserted."

Babu AMULYA DHONE ADDY: By leave of the Council, on behalf of Kumar Shib Shekhareswar Ray, I move that for clause 21(*5*) the following be substituted, namely:—

'(*5*) The parent or guardian whose attendance is required under this section may appear before the Court by a pleader or agent.'

This is an addition to the original Bill. I personally think, if you accept this amendment, it will be an improvement on the existing state of affairs; therefore, I think you ought to accept it.

The Hon'ble Sir ABD-UR-RAHIM: The whole object of the Bill is that we should have the father or guardian responsible for the state of the child to attend and explain to the court why the child is neglected. Surely, it is no good having a pleader. As to the case of *purdanashin* women this is provided for in sub-clause (*5*), and the main object of having a check of some sort on the parent or guardian will be frustrated if this amendment were accepted. I do not see what possible objection can there be in these cases for the father or guardian to attend the court. Surely, if he has not been guilty of neglect or ill-treating the child, he ought to come to the court and explain matters. I therefore oppose the amendment.

The motion was then put and lost.

The motion that clause 21, as amended, stand part of the Bill was put and agreed to.

Clause 22.

The DEPUTY-PRESIDENT: The next two amendments, which required the previous sanction of the Governor-General under section 80A (3) of the Government of India Act to their consideration by the Council, were referred with a large number of others for orders on the question of the grant of such previous sanction. The Governor-General has not conveyed his previous sanction to the moving of these particular amendments, and I have, therefore, ruled that they cannot be considered. To save the time of members, I may inform them in advance that my ruling, when the time comes, will be the same in regard to amendments Nos. 116, 117, 135, 146, 153, 166, 188, 192 and 193.

Adjournment.

The Council was then adjourned to Wednesday, the 18th January, 1922, at 3 P.M.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 18th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 92 nominated and elected members.

Government Bills.

The Bengal Children Bill.

Clause 18.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): We now resume the discussion on motions Nos. 60 (*b*), 61 and 62.

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): We are prepared to accept the amendment, if it is worder thus. After clause 18, insert the following proviso:—

"Provided that when a girl apparently under the age of 16 years is arrested, the officer-in-charge of a police-station who has made the arrest, or before whom the girl has been produced, shall release her at once if any person, who in his opinion is a sufficient surety, enters into a bond, for such sum of money as the officer considers sufficient to produce her before the court and to appear in her stead, if required, at the police-station."

Rai JOGENDRA CHUNDER GHOSE Bahadur: I accept the amendment.

The motion was then put in the modified form and agreed to.

The DEPUTY-PRESIDENT: As Professor S. C. Mukherji is absent, the following amendment, which stands in his name, is deemed to be withdrawn:—

"That in clause 18, last line, the words 'or without' be omitted.

The DEPUTY-PRESIDENT: The question before the Council that clause 18, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 22 stand part of the Bill.

The motion was put and agreed to.

Clause 23.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 23 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 23, the words 'in the case of an adult' in the three places where they occur, be omitted."

I think this amendment is necessary and I hope Government will accept it.

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMENT (Mr. H. P. Duval): Government accept the amendment.

The motion was put and agreed to.

The following amendment, which stood in the name of Babu Kishori Mohan Chaudhuri, was, by leave of the Council, withdrawn:—

"That in clause 23 (*1*), line 1, for the words 'youthful offender' the words 'child or young person' be substituted, and that in the proviso to the same clause for the words 'the offender' the words 'such child or young person' be substituted."

Rai HARENDRANATH CHAUDHURI: I move "that in clause 23 (*1*), lines 5 and 6, the words 'in addition to or' be omitted."

Clause 23, when analysed, comes to this, *viz.*, when a youthful offender of a certain age is convicted of an offence, punishable with (*a*) transportation, or (*b*) imprisonment, the courts may order, in the former case, *i.e.*, in the case punishable with transportation, that either he be sent to a reformatory school or, because of the phrase "in addition to" in the clause, order that he be sent to a reformatory school, and that at the same time he be transported. Whether these two things, taken together, mean this much that the court may order him to be sent to a reformatory school in the Andamans, one does not know; but one at least may be pardoned, if he is curious to know how the court can be consistently empowered to do so when section 22 expressly provides that no child or young person shall be sentenced to transportation.

So far as regards confusion due to the insertion of the phrase "in addition to" in case of transportation. Now to come to the confusion introduced by the phrase in case of "imprisonment." The proviso to clause 23 (*1*) runs thus:

"Provided that when the offender is ordered to be sent to a reformatory school, he shall not in addition be sentenced to imprisonment." After this, how the words "in addition to" can stand the

court in better stead, I fail to understand. The words in question, therefore, besides introducing confusion serve no better purpose, and I therefore propose that they should be omitted altogether.

The Hon'ble Sir ABD-UR-RAHIM: This clause 23 is to be read subject to clause 22. Clause 22 provides that no child or young person shall be sentenced to death, transportation or imprisonment or committed to prison in default of payment of a fine or in default of furnishing security. The object of clause 23 (*1*) is that if, for instance, sentence of fine be imposed then in addition to or in lieu of sentencing him according to law to any such punishment, the court may order that he be sent to a reformatory school. If that clause were not there, he would not be liable to a sentence of fine. Clause 26 provides that when a child or young person is convicted of an offence he may be fined and that fine may be realised from his parent or guardian. This is the object.

Rai HARENDRANATH CHAUDHURI: Why is it not made clear in the Bill?

The Hon'ble Sir ABD-UR-RAHIM: It is a matter of drafting. We have practically followed the wording of the English Act. Section 57 of the English Act says that where a youthful offender, who in the opinion of the court before which he is charged is 12 years of age or upwards, but less than 16 years of age, if convicted, whether on indictment or by a petty sessional court, of an offence punishable in the case of an adult with penal survitude or imprisonment, the court may, in addition to or in lieu of sentencing him according to law to any other punishment, order that he be sent to a reformatory school.

Rai HARENDRANATH CHAUDHURI: Here it should also be made clear. It is said that the court may award any other punishment. In the English Act it is stated that in lieu of sentencing him according to law the court may award any other punishment.

The Hon'ble Sir ABD-UR-RAHIM: That is the very wording of the English Act.

Rai HARENDRANATH CHAUDHURI: Are the different punishments contemplated to be administered under the English Act the same as those contemplated under this Act?

The Hon'ble Sir ABD-UR-RAHIM: We do not propose to inflict any punishment. The object of the whole Bill is not to sentence a child to imprisonment or transportation; but in some cases he may be sentenced to a fine which may be realised from his parent or guardian. That is the object of the clause.

Rai HARENDRANATH CHAUDHURI: In that case, I beg leave to withdraw my amendment.

The motion was then, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: As Professor S. C. Mukherji is absent, the following amendment, which stands in his name, is deemed to be withdrawn:—

"That in clause 23 (*1*), lines 5 and 6, the words 'in addition to or' be omitted."

Babu KISHORI MOHAN CHAUDHURI: As I am not very anxious about the next amendment, I beg leave to withdraw it.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 23 (*1*), line 6, after the word 'lieu' the words 'wholly or partly' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I think I should ask leave of the Council to withdraw my next motion.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 23 (*1*), line 7, after the word 'punishment' the words 'subject to the provisions of section 22 of this Act' be inserted."

The DEPUTY-PRESIDENT: Motion No. 88 should be taken up first; but, as Professor S. C. Mukherji, in whose name the motion stands, is absent, it is deemed to be withdrawn. It was as follows:—

"That the proviso to clause 23 (*1*) be omitted."

Babu KISHORI MOHAN CHAUDHURI: I move "that at the end of the proviso to clause 23 (*1*), the following be added, namely:—

'even though he has against him one or more previous convictions of an offence or offences, punishable with death, transportation or imprisonment.'"

I feel some difficulty about the conviction. I do not know whether it is contemplated in a previous trial or in the same trial. The conviction should be taken up separately. In view of this matter, I have suggested this amendment.

The Hon'ble Sir ABD-UR-RAHIM: The power is given quite irrespective of the fact whether he has been previously convicted or not. There is no restriction about this at all. I do not know whether Babu Kishori Mohan Chaudhuri means, if the sentence is still running.

Babu KISHORI MOHAN CHAUDHURI: I think, in awarding the sentence, the court has to exercise the same discretion whether it is meant in the same trial or in the previous trial.

The Hon'ble Sir ABD-UR-RAHIM: As regards the case of those who have been already sentenced that is not dealt with here. But Government has taken power to deal with children who are already sentenced. This is laid down later on. Clause (*2*) of the same section

says that when a youthful offender of 12 years of age or upwards has been sentenced to transportation or imprisonment, the Local Government may direct that in lieu of his undergoing or completing such sentence he shall be sent to a reformatory school. So where a sentence is still running the court has power to act under this clause.

Babu KISHORI MOHAN CHAUDHURI: In that case I beg leave of the Council to withdraw it.

The motion was then, by leave of the Council, withdrawn.

Rai HARENDRANATH CHAUDHURI: I move "that in clause 23 (2), line 1, after the word 'when' the following be inserted, namely, "before the commencement of this Act."

The Hon'ble Sir ABD-UR-RAHIM: As we do not want in the drafting to have unnecessary words, I think, sub-clause (2) is quite clear for the purpose.

The motion was then, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: The next motion is consequential on motion No. 80, and, therefore, fails.

It was as follows:—

"That in clause 23 (2), line 1, for the words 'youthful offender' the words 'child or young person' be substituted, and in line 6, for the words 'the offender' the words 'such child or young person' be substituted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in clause 23 (2), line 2, after the word 'sentenced' the words 'whether before or after the commencement of this Act' be inserted."

On reading the clause it appears that the sentence stands alone and my submission is that the words "before or after the commencement of this Act" be added.

The Hon'ble Sir ABD-UR-RAHIM: It clearly stands on the same footing as Rai Harendranath Chaudhuri's amendment. I do not think that this is at all necessary. It cannot be accepted in cases contemplated by the second part of the proviso to clause 22. It is only in a case where a young person is of such a depraved character that he is not fit to be sent to a reformatory school that he can be sentenced. I do not really see what the difficulty is.

The motion was then, by leave of the Council, withdrawn.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 23 (2), line 3, after the word 'imprisonment' the words 'under the proviso to section 22' be inserted."

In this amendment, I propose that if there is any sentence of imprisonment that is to be done under the proviso to section 22, it may be made clear. The reason of my amendment is to make it more clear.

The Hon'ble Sir ABD-UR-RAHIM: It would be altogether wrong, because clause 22 (2) is wider and Babu Kishori Mohan Chaudhuri wants to make it narrower. Under sub-clause (2), the Local Government has power to deal with a youthful offender and to send him to a reformatory school if he be under 12 years of age, whether he has been convicted under the Act in certain cases before the Act. What Babu Kishori Mohan Chaudhuri wants is a new proviso to section 22, but then he would leave out all cases where these youthful offenders have been dealt with before and their sentences have not expired. That would be a retrograde measure.

The motion was then, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: The following is a consequential amendment and, therefore, it fails:—

"That in clause 23 (3), for the words 'youthful offender' the word 'child' be substituted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 23 (4), for the words 'young person' wherever they occur, the word 'child' be substituted."

I think this will be more appropriate and I hope Government will accept it.

The Hon'ble Sir ABD-UR-RAHIM: What it really ought to be is that instead of "young person" it ought to be "youthful offender." I hope the mover will accept it.

Babu KISHORI MOHAN CHAUDHURI: I accept it.

The motion, in the following amended form, was then put and agreed to:—

"That in clause 23 (4), for the words 'young person' wherever they occur, the words 'youthful offender' be substituted."

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in clause 23 (4), the words 'of the age of 12 or 13 years' be omitted."

If you refer to the clause itself, you will find that when a young person of 12 or 13 years of age, who has not been previously convicted, is convicted of an offence punishable in the case of an adult with transportation or imprisonment, etc. etc. It appears that we have got a definition of the words "young person" and that definition shows that the age-limit is 14. So I think the words "of 12 or 13 years of age" may be omitted. I do not gather what the intention of the framer of the Bill is, but we have got the definition of the words "young person" and the age-limit is 14. Under these circumstances, it is for the Hon'ble Member to consider whether there is any fallacy in my suggestion. I think the drafting should be made clearer.

The Hon'ble Sir ABD-UR-RAHIM: If Rai Mahendra Chandra Mitra Bahadur would look to sub-clause 3, he will find that when a youthful offender under 12 years of age is convicted of a certain offence, he might be sent to an industrial school instead of being sent to a reformatory school; then the case of a youthful offender of the age of above 12, or say, of 12 and 13, is not covered by the sub-clause (*3*). Sub-clause (*4*) deals with the age of a young person of the age of 12 or 13 years. If you look at the denfinition of "youthful offender" it means any person below 16 years, who is convicted of an offence punishable with transportation or imprisonment and then provision has to be made as to how these persons between 12 and 13 years of age are to be dealt with. If the court is satisfied that such a youthful offender should be sent to an industrial school instead of to a reformatory school, he may be so dealt with under this sub-clause. That is the intention and, therefore, under this clause, power is taken by Government in certain cases or rather power is given to the courts in certain cases to send such youthful offenders of the age 12 and 13 years to an industrial school instead of to a reformatory school.

The motion was then put and lost.

Babu KISHORI MOHAN CHAUDHURI: I think my next amendment is unnecessary and I beg leave to withdraw it.

The following amendment was then, by leave of the Council, withdrawn:—

"That in clause 24, in line 2 and in line 4, after the word 'offender' the words 'through the chief inspector' be inserted."

The DEPUTY-PRESIDENT: The question is that clause 23, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 24.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 24 stand part of the Bill.

The following amendment, which stands in the name of Rai Mahendra Chandra Mitra Bahadur, is consequential and, therefore, fails:—

"That in clause 24, in line 2 and in line 4, after the word 'offender' the words 'young person' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 24, line 5, for the word 'being' the words 'such time being' be substituted."

My intention is only to make it more clear and I think that it will be accepted by the Hon'ble Member.

The Hon'ble Sir ABD-UR-RAHIM: I do not think that it requires any elucidation. As it is, I say it is quite clear. Every order, in

pursuance of which a youthful offender or a child is sent to a reformatory school or an industrial school, shall specify the time for which a youthful offender or a child is to be detained in the school. I should hardly think that this requires any further elucidation.

The motion was then, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: The following amendment, standing in the name of Rai Mahendra Chandra Mitra Bahadur, is consequential, and, therefore, fails:—

"That in clause 24 (*b*), after the word 'child' in the three places where it occurs, the words 'or young person' be inserted."

The DEPUTY-PRESIDENT: The question is that clause 24 stand part of the Bill.

The motion was put and agreed to.

Clause 25.

The DEPUTY-PRESIDENT: As there are no amendments to clause 25, I propose that clause 25 stand part of the Bill.

The motion was put and agreed to.

Clause 26.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 26 stand part of the Bill.

Kumar SHIB SHEKHARESWAR RAY: I move "that in clause 26 (*1*), the words 'or young person,' occurring in three places, be omitted."

My object in moving this amendment is to include the possibility of the sins of youthful offenders being visited on their parents. Grown-up-wayward boys are not unknown even in this part of the world, and I strongly object to this direct punishment of the parents or guardian by the imposition of a fine for the misdemeanours of their grown-up wards who care a fig for their guardians. Of course, when a fine is imposed on a youthful offender, it is punishing indirectly his parents or guardian, for it has got to be paid by him, such offender having no independent means himself. But, sometimes, the youthful offenders are so atrocious, so incontrollable, that it would gladden the hearts of their parents if they be sent to jail or reformatory schools. It would be a good riddance for them. And it is common knowledge that some youthful offenders are so perverse that they derive a sort of vindictive joy when their parents are punished for their own sins of commission. Sir, it is natural to expect that if there be any hope left for the boy, if the parent or guardian retain the least hope of controlling the boy, he would, of his own accord, pay the fine imposed on the youthful offender and release him. Only if

the case be hopeless, or if he is too poor, he would abstain from the payment of the fine. Would it not be cruel to send the parent or guardian to jail for not being able to pay the fine imposed for the crime of his wayward ward? The Commissioner of the Presidency Division also recommends the omission of "or young person" from where they occur in this section. The opinion of the Marwari Association is also to the effect that if when a young person is fined, it would be a positive hardship if it is imposed on the parent. The two opinions which are all that have been received on this section support my contention and I hope my amendment will be accepted by the Government.

Babu INDU BHUSHAN DATTA: I move "that in clause 26 (*1*), the words ' or young person ' occurring in three places, be omitted."

When the Bill was first drafted, the age-limit for a child was fixed at 12 and it was only natural that, in that case, for persons above the age of 12, " or young person " was included in this section, but when, afterwards, the age-limit was raised from 12 to 14, it seems to me that a mistake was committed by not taking away these words from the section; because, when this enactment is going to have control over children up to the age of 14, I think such children are grown up enough to be taken care of by their guardians or parents. Beyond the age of 14, it seems rather hard to penalise parents with fines or threats of other punishments, in order to make them responsible for the behaviour of children or young persons under their care. In this country, as is well-known, boys and girls are more precocious than in other countries, and a child of 14 is sometimes quite grown up in his tendencies towards vicious activities. I think it is only natural that the parents should be absolved from the penalty of fines or other punishments for failing to look after their children when they grow up beyond the age of 14. I think it is quite task enough for the parents to have to look after their children up to that age.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I am afraid the previous speakers have not had their attention drawn to the last four lines of the clause. It says "unless the court is satisfied that the parent or guardian cannot be found or that he has not conduced to the commission of the offence by neglecting to exercise due care of the child or young person." The section, as it is, is in the interest of young persons below the age of 16; that is, they should not be fined in cases where they have been neglected by their parents, and not otherwise. As regards untractable boys, there are many instances in which the parent will come and say: " I have done my best, but I cannot manage the boy." In that case the court will absolve the parent and will not impose a fine. The section is this: " . . . . and the court is of opinion that the case would be best met by the imposition of a fine, whether with or without any other punishment,

the court may . . . ." I really cannot see what objection there can be to this language in the Bill.

The Hon'ble Sir ABD-UR-RAHIM: I think Rai Jogendra Chunder Ghose Bahadur has very rightly pointed out that the movers of the amendment did not notice that the court is given a discretion in the cases of young persons. The section says that "the court may, in any case, and shall, if the offender is a child. . . ." So, in the case of a young person, the discretion is given to the court whether to impose a fine or not on the parent. Then the court has to satisfy itself that the parent or guardian did not conduce to the commission of the offence by neglecting to exercise due care of the child or young person. If the parent of the guardian can satisfy the court that he has been blameless in the matter, that he has done his best to take care of the child or young person, and that in spite of all his efforts the child proved unmanageable, then the court will not fine the parent or the guardian. I give one example and I trust if Kumar Shib Shekhareswar Ray and Babu Indu Bhushan Dutta will ponder over it they will realise that this is a very salutary provision. Supposing a young person between the age of 14 and 16 commits theft, and he is living with his parent or guardian, where do the proceeds of the theft go to? Presumably to the guardian or parent. How would those cases be covered? There are, we know, in Calcutta, lots of thefts committed by persons of that age and if those young persons live with their parents or guardians, you may take it that in most cases the proceeds of the thefts go to the parent or the guardian. You cannot give any direct proof of it, but I think it is a presumption which can well be acted upon for purposes of legislation such as this. I think it to be a very, very salutary provision, and I would go even further and say that it is a necessary provision. For these reasons, I oppose the amendment.

The motion was then put and lost.

Kumar SHIB SHEKHARESWAR RAY: I move "that in clause 26 (*1*), line 4, the words 'whether with or' be omitted."

I am opposed to this sort of cumulative punishment. Do one thing—either fine the child or send him to the Reformatory School. But why probe the poor thing with both your prongs. If the child is fined and imprisoned the father to save himself from the jail, and not so much for the child, pays the fine, while the child bids adieu to the father from the doors of the court. Sir, I move my amendment simply because the sanction of law here would be rather too severe.

Babu INDU BHUSHAN DUTTA: I beg to move "that in clause 26 (*1*), lines 4 and 5, the words 'whether with or without any other punishment' be omitted."

I think in case where the offence is punishable with fine, simple fine is quite enough. It is no use giving any other punishment. I do not think anything more is needed to support my amendment.

The Hon'ble Sir ABD-UR-RAHIM: I regret I cannot accept these motions because there are cases in which, for offences committed by young persons, the court may very rightly order compensation to be given to the injured persons—to the persons injured by the offence committed by the child. What will happen in those cases? Is it right to argue that the parent or the guardian who is responsible for the proper conduct of the child should go scot-free and some innocent persons should be allowed to suffer? Surely, that is not a reasonable position to take up. It may be a case of mischief, it may be a case of assault, or other such cases covered by this provision. I should say it would be really unjust to allow a young person like that, who is under the care of his parent or guardian, to go and injure the property of others and that the persons injured should not be able to recover any sort of compensation. This clause is meant to cover these cases, and I submit it is a just clause and I do not really see any case of hardship. It is argued why there should be double punishment. So far as the child is concerned, the court has a wide discretion. In the first instance, in a case of mischief it may not be desirable to send a child to a reformatory or industrial school, but supposing the offence is repeated, the Court will be perfectly justified in holding that the young person is unmanageable and that if he is not taken proper care of, he must go to the reformatory school, but that will not be sufficient to meet the case of the person who has been injured. He has to be given compensation. So to cover those cases, you must not only provide for a fine but also see that a person like that does not grow up into a criminal and that he is sent to the reformatory school where he will be properly looked after. I therefore oppose the amendment.

The motions were then put and lost.

The following amendments, being consequential, failed:—

Kumar SHIB SHEKHARESWAR RAY: "That in clause 26 (*1*), line 5, the words 'may in any case, and' be omitted."

Professor S. C. MUKHERJI: "That in clause 26 (*1*), line 5, the words 'in any case' be omitted."

Babu INDU BHUSHAN DUTTA: "That in clause 26 (*1*), lines 5 and 6, the words 'in any case, and shall, if the offender is a child' be omitted."

Kumar SHIB SHEKHARESWAR RAY: "That in clause 26 (*1*), line 6, the words 'if the offender is a child' be omitted."

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move "that in clause 26 (*1*), line 8, after the word 'person' the words 'unless he is very poor or' be inserted."

This matter was brought to the notice of the Select Committee by the Marwari Association. They proposed these words and I thought, and I still think, that it is a very reasonable objection and, therefore, I gave notice of this amendment. You will be pleased to see that the parent or guardian of a young person is made liable for the fine imposed on the child. If the father is very poor it would be, as a matter of fact, sending the father to jail instead of the son, because, if the father is very poor and unable to pay the fine, he will have to go to jail. That is a contingency which must be avoided. However, a poor man might neglect his children and this is one of the penalties of poverty that a father is unable to take proper care of his children, this must be looked in the face. Poor people have many disadvantages and this is one—that they cannot take proper care of their children. I say, therefore, poor people should not be penalised for the offences of their sons. I would, therefore, propose that if the father is very poor, the fine should not be paid by him.

Rai RADHA CHARAN PAL Bahadur: I do not quite understand the logic of my friend, who opposed the motions of Kumar Shib Shekhareswar Ray and Babu Indu Bhushan Dutta. He said that it was provided that if it was proved to the satisfaction of the court that the father had taken proper care of the child, the fine would not be payable by him. Further, as the Hon'ble Member in charge has stated and as I know, from my personal experience as a citizen of this town and as an Honorary Magistrate of the City and of the Juvenile Court, that those for whom my friend has pleaded are the very class of people who harbour their own childen in their own homes in order that they may pilfer and bring their booties home. I think it is very difficult to discriminate who are very poor and who are not, and it would be a very dangerous thing if we accept the amendment of Rai Jogendra Chunder Ghose Bahadur whose sympathy for the poor, I admire. But I think this would frustrate the very object for which this clause was framed.

Babu INDU BHUSHAN DUTTA: I move "that in clause 26 (*1*), line 9, after the word 'found' the words 'or is too poor to pay' be inserted."

In this poorest of poor countries, I hope poverty is not going to be made a crime. The clause, without the words I want to be inserted, would mean that poor parents will practically be made to suffer for their poverty and nothing else. Surely, a poor parent may with all good intention fail to look after his child in the way he should do, and if the child is found to be unruly, it seems unjust that the father or the mother, only because he or she is poor, ought to be penalised under the section. Therefore, I move that poverty should not be made a crime under this Act. A very large number of parents is too poor to make both ends meet; is it the intention of this Act to penalise them for their inability to pay the fines? Would it be just?

The Hon'ble Sir ABD-UR-RAHIM: I am unable to accept this, and Rai Radha Charan Pal Bahadur has, really, forcibly explained the reasons why this provision should stand. One thing I may point out to Rai Jogendra Chunder Ghose Bahadur and that is this. He seems to be under a misapprehension that the parent or guardian is going to be fined under this clause 26. It is the child or young person who commits the offence who is to be fined, so there is no question of imprisonment in default of payment so far as the parent or guardian is concerned. The clause only provides that the fine is to be realised from the parent or guardian. That can be done by distraint of his goods, and that is all the punishment that the parent or guardian who allows his child to go wrong will have to suffer. So there is no question really of sending any one to jail for poverty alone. Then there is another point which I have tried to explain to this House, namely, that in some cases compensation has to be given. In that case, supposing another poor person has suffered, now who is to bear the loss, whether the person who suffers owing to the misconduct of the child or that child's guardian or parent. If you have to choose between the two persons, I take it that the person who is offended against ought not to suffer. Besides, the court is given a discretion whether the fine is to be levied or not from the parent or guardian. It is not bound to do so unless it is satisfied that the offence was conduced by the neglect or want of care on the part of the parent of the child. That means that, supposing a person can prove that he was too poor to take care of his child, the court will not exercise this power. There are persons here in Calcutta who train their children for the commission of certain offences—petty thefts and so on—and we do not want that any loophole should be left for the activities of these men.

A division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Munshi Jafar.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Karim, Maulvi Abdul.
Khaitan, Babu Devi Prosad.
Khan, Babu Devendra Lal.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Mukhopadhya, Babu Sarat Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Jogendra Nath.
Roy, Babu Nalini Nath.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy Chaudhuri, Babu Sailaja Nath.

NOES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Barma, Rai Sahib Panchanan.
Barton, Mr. H.
Beadel, Mr. C. F.

Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Maulvi Shah Muhammad.
Cohen, Mr. D. J.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Dutt, Rai Bahadur Dr. Haridhan.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Hopkyns, Mr. W. S.
Huntingford, Mr. C. T.
Hussain, Maulvi Muhammad Madassur.
Karim, Maulvi Fazlul.
Kerr, the Hon'ble Mr. J. H.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman
Lang, Mr. J.
Mitter, the Hon'ble Mr. P. C.
Pal, Rai Bahadur Radha Charan
Rae, Mr. W. R.
Rahim, the Hon'ble Sir Abd-ur-.
Robinson, Major-General W. H. B.
Roy, Mr. Bijoy Prosad Singh.
Roy, Raja Manilall Singh.
Salam, Khan Bahadur Abdus.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 25 and the Noes 48, the motion was lost.

Motion No. 110 failed.

Babu KISHORI MOHAN CHAUDHURI: I beg to withdraw the following amendment:—

"That in clause 26 (*1*), lines 9 and 10, for the words 'has not conduced to the commission of the offence by neglecting' the words 'habitually neglects' be substituted."

The motion was then, by leave of the Council, withdrawn.

Kumar SHIB SHEKHARESWAR RAY: I move "that in clause 26 (*1*), last two lines, the words 'by neglecting to exercise due care of the child or young person' be omitted."

Those who are acquainted with the type of evidence that is adduced before a Police Court by the police, specially in the cases where the party is very poor, would at once admit that these words in the section would more often than not prove tempting bait to our policemen. The discretion to be used by the Magistrate is nothing. These Magistrates are in too great a haste to finish their files to use their discretion properly. I am therefore opposed to giving such a wide scope to this section.

Rai RADHA CHARAN PAL Bahadur: I have followed, as far as I could, the speech of the Kumar. I have every sympathy for the object that he has in view, but I am not clear in my mind whether it would not give a longer rope to the class of officers who manufacture evidence. They will have to adduce evidence that the commission of offence was conduced by not taking due care of the child, and if you omit the words "by taking due care" you give the policeman longer rope. I think, therefore, it is better to retain the words. On the whole, I think, it is a safeguard against the abuse of powers which my friend apprehends.

Kumar SHIB SHEKHARESWAR RAY: My friend, Rai Radha Charan Pal Bahadur, is one of the City Fathers and is also an Honorary Magistrate, and when he says that the words had better be retained, I

can do worse than follow his advice. I, therefore, withdraw my amendment.

The motion was then, by leave of the Council, withdrawn.

Rai HARENDRANATH CHAUDHURI: I move "that at the end of clause 26 (*1*), the following be added, namely:—

' or that the parent is too poor to be able to take proper care of his children.' "

The object of clause 26 is obvious. It is not intended to punish those parents who have exercised due care and, therefore, I think my amendment is consistent with that proposition, as I also propose that where the parents are too poor to take proper care of their children they should be exempted and not in other cases. In answer to the imaginary cases cited by the Hon'ble Sir Abd-ur-Rahim, I may also cite the case of the day-labourer who has got to stay out of his home and who has not the time to take proper care of his children. It will be certainly unfair to punish or fine such men for the fault of their children. I hope, therefore, that it will be possible to accept this amendment. It still gives discretionary power to the court and there is no harm in accepting it. Then I fail to understand the argument advanced by Rai Radha Charan Pal Bahadur. He has said it would be very difficult to make out who is poor and who is not. Of course, when so many things are left to the discretion of the court, this thing may also be left to the discretion of the court. I think this amendment is quite consistent with the other parts of clause 26 and there can be no harm in accepting it.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I have much pleasure in supporting this amendment. The fact that parents may be too poor to take proper care of their children cannot be appreciated, I am afraid, by officials and by persons holding honorary offices in any country. This is a fact which any reader of books on sociology or ethics knows full well. We know, here in this country, much more in England and in other countries of Europe, that poor people have no time whatsoever to look after their children. Men and women go out at six o'clock in the morning and come home at eight o'clock in the evening, working as masons and coolies of various kinds, leaving their children behind and these children wander about the streets and it is no wonder that some of them go wrong. The question of right and wrong is a question which is a very relative one. It is the rich and the comfortable who talk of the immorality of the poor, but they forget that they are ten times more immoral than those who are forced to immoral conduct by their poverty. I am afraid the pride of moral conduct is too ingrained in the comfortable rich. Speaking of theft or cigarette-smoking, or even say the great virtue of chastity, how can the poor men and women who work be as moral as the immured rich? Chastity is a fictitious virtue. Talking of right and wrong and other things of the poor is very fine for the rich and comfortable, but we must take humanity as it stands. Let us not despise

the poor human beings—our brothers and sisters—because they are poor. I think it is an impossibility to take proper care of children. That men and women should be punished for not taking proper care of their children is, to my mind, preposterous. I will not have such praises from my friend, Rai Radha Charan Pal Bahadur, that my sympathy for the poor is great. No, it is not a question of sympathy, it is a question of justice, pure and simple. Therefore, let them have justice. I will not have them, if I can help it, punished for an offence which they do not intend their children to commit.

Babu SURENDRA NATH MALLIK: I have every sympathy with what has fallen from my friend, Rai Jogendra Chunder Ghose Bahadur, that poor people ought not to be made to pay fines for neglecting their children. But what I would like to bring to the notice of the Council is that, under the Cattle Trespass Act, poor people are made to pay fines for the trespass of their cattle—animals which are less under their control than their own children. If they are to pay fines for the trespass of their cattle, I do not see why they should not pay fines for the trespass of their children. I quite appreciate the spirit of the suggestion that poor people should not be made to pay fines. If anybody is to pay fines it is the rich and the professional people amongst us who do not take proper care of their children, who ought to pay fines. But, Sir, so long as the law stands that for cattle trespass poor people have got to pay the penalty, I do not think that we ought to say that fines shall not be paid for the trespass of children. That is my position. Otherwise, I am in perfect sympathy with the spirit of the amendment. So long as the Cattle Trespass Act stands, I think, this clause ought to stand.

Maulvi YAKUINUDDIN AHMED: I beg to submit that children should not be compared with cattle, and for this reason. Suppose an owner puts up an enclosure and keeps his cattle within that enclosure they cannot get out of it. But if the children are so kept they climb up the wall of the enclosure and get away. That is the reason why there is difference between men and cattle. Children nowadays have become very unruly. They do not care for their parents. Even sons of deputy magistrates who take very good care of their children are now going astray and there are instances when they were found to commit offences. Therefore, I beg to submit that there ought to be some consideration with regard to parents who want to keep their children under proper care, but are unable to do so on account of the circumstances in which they are placed. Therefore, this is a salutary provision which ought to be considered by this Council.

Rai RADHA CHARAN PAL Bahadur: I do not wish to lengthen the discussion, but I wish to say just one word in reply to Rai Jogendra Chunder Ghose Bahadur. He himself has pointed out, in reply to Kumar Shib Shekhareswar Ray, that it will not be conducive to the commission of offences if due and proper care is taken. It is

not meant that the standard of care which is to be exercised by the poor person should be judged by the standard of care exercisable by men of position and affluence like my friend Rai Jogendra Chunder Ghose Bahadur. What I say is that poor people should prove to the satisfaction of the court that they have tried, to the best of their ability, to see that their children do not commit any mischief or turn to thieving. There is no other way of doing it than by retaining the existing provision. And, if my friend wants to retain the original section, there is no use in nullifying its effect by the insertion of these words.

Khan Bahadur Maulvi EMADUDDIN AHMED: I do not want to detain the House. I think that if there is a salutary provision there will be a check on persons who encourage their sons to take to pilfering. This salutary provision is there. So it is not necessary that the other thing should be added to the existing clause.

The Hon'ble Sir ABD-UR-RAHIM: The amendment goes contrary to the English Act. I hope that fact at least will impress Rai Jogendra Chunder Ghose Bahadur, who will remember that in the Select Committee, where he rendered valuable assistance, he had insisted in season and out of season to import everything that was in the English Act.

Rai JOGENDRA CHUNDER GHOSE Bahadur: But I was told that India was not England.

The Hon'ble Sir ABD-UR-RAHIM: Here he has waxed eloquent and indignant against rich officials and Honorary Magistrates who are callous to the sufferings of poor persons. Does he wish to exempt zamindars and lawyers from the charge? I think that there would be a danger if we were to introduce the words of the amendment. In the case of a *bonâ fide* poor parent or guardian, no court will think of punishing him for the delinquencies of his child, but if we are to introduce a clause like this, many a person will profit by the crimes of their children and will try to take shelter under this amendment. We ought not to introduce an amendment which would afford room to those persons to raise contentions like this and it would be very difficult for the court to embark upon investigation as to whether a person is poor or not and, if poor, to what extent his poverty, prevented him from bringing up his children properly. I do not think we ought to put upon the court any such responsibility. As I said in dealing with the other amendments there is the question of compensation. Why should that poor person, suffer who has been injured by the delinquencies of the child or young person and the parent profit by the crime? I oppose the amendment.

The motion was then put and lost.

The following amendment, standing in the name of Babu Kishori Mohan Chaudhuri was, by leave of the Council, withdrawn:—

"That in clause 26 (2), after the words 'may be made' the words '*ex parte*' be inserted."

The motion that clause 26, stand part of the Bill was then put and agreed to.

Clause 27.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 27 stand part of the Bill.

The following amendment, which stood in the name of Babu Kishori Mohan Chaudhuri, was, by leave of the Council, withdrawn:—

"That in clause 27 (*1*), line 1, after the word 'child,' the words "or young person of twelve years of age or upwards' be inserted."

The following amendments were disallowed by the Deputy-President as requiring the previous sanction of the Governor-General:—

Rai JOGENDRA CHUNDER GHOSE Bahadur: "That in clause 27 (*1*), lines 1 and 2, for the words 'an offence of so serious a nature that,' the words 'murder, attempt to murder, manslaughter, or wounding with intent to do grievous bodily harm and' be substituted."

Babu KISHORI MOHAN CHAUDHURI: "That in clause 27 (*1*), line 1, after the word 'offence,' the words 'punishable with death or when any child or young person is convicted of an offence' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 27 (*1*), lines 5 and 6, for the words 'in such place or manner as it thinks fit' the words 'in the manner prescribed' be substituted."

My object is that instead of depending upon the discretion of the court it should be definitely prescribed.

Mr. H. P. DUVAL: I do not think this amendment is at all necessary. The number of cases which are likely to arise under this clause is very few, and all that the section says is that the court shall order an offender to be kept in safe custody in such a place or manner as it thinks fit, and forward the case for the orders of the Local Government. It will, therefore, be for the court only to pass orders as to where a child shall be detained for the time being. As a matter of fact we have provided for the detention of children and young persons committed for trial, but it does not seem necessary that we should also have to make rules on this matter also. It must vary in different places as to where a child is to be sent pending the orders of the Local Government according to the accommodation available.

The motion was put and lost.

The following amendment, which stood in the name of Babu Kishori Mohan Chaudhuri, was, by leave of the Council, withdrawn:—

"That in clause 27(*2*), after the words 'such child' in line 2 and after the words 'the child' in line 4, and in the proviso to the said clause, the words 'or young person' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I move "that to clause 27, the following additional proviso be added, namely:—

'Provided also that at any time during the period of such detention the Local Government may, if they think fit, direct that in lieu of such detention such child or young person be kept in a reformatory school until he has attained the age of eighteen.' "

I need not dilate on my amendment and I hope it will be accepted.

Mr. H. P. DUVAL: Government are prepared to accept it with slight alterations, that is to say, certain alterations in the drafting. I would propose that for the words 'such child or young person' the word 'youthful offenders" be substituted, so that the proviso will then be read—

'Provided also that at any time during the period of such detention the Local Government may, if they think fit, direct that in lieu of such detention the youthful offender be kept in a reformatory school until he has attained the age of eighteen."

Babu KISHORI MOHAN CHAUDHURI: I am ready to accept the amendment as suggested by Mr. Duval.

The motion was then put, in the altered form, and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 27, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 28.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 28 stand part of the Bill.

The following amendment which stood in the name of Babu Indu Bhushan Dutta, failed:—

"That in clause 28(*a1*), line 9, after the word, 'years' the words 'in the case of boys and twelve years in the case of girls' be inserted."

The Hon'ble Sir ABD-UR-RAHIM: An objection has been raised by Babu Indu Bhushan Dutta that all police officers should not be authorised to make arrests in these cases. What we propose is this—

"That in clause 28(*a1*), line 10, for the words 'addressed to any police officer or' the words 'to be executed by a police officer not below the rank of sub-inspector or by some' be substituted."

This provides that only police officers of the rank of a sub-inspector or upwards would be authorised to execute a warrant. I should think that this would be a sufficient safeguard. If we are to say, that officers of the rank of inspectors alone were to act, it would be rather difficult as we have not got so many inspectors as sub-inspectors, and it would not be right to burden the inspectors with too many processes under this Act. A sub-inspector is generally a well educated man, and I do not see that there would be any danger in entrusting him with the execution of a warrant in such a case.

The motion was then put in the altered form and agreed to.

The following amendment which stood in the name of Babu Indu Bhushan Dutta, being consequential, failed:—

"That in clause 28(*a1*), line 10, after the words 'police officer' the words 'of or above the rank of inspector' be inserted."

Rai HARENDRANATH CHAUDHURI: I move "that clause 28(*a1*) (*a*) be omitted."

On the same grounds I move these two amendments, and I can do no better than quote the opinion of such an influential public body as the British Indian Association. The Association truly remarks:—

> The circumstances in this country are altogether different from those in England. Here, little children in indigent circumstances some times derive their livelihood and occasionally even support their aged and infirm parents or guardians by singing hymns in the streets or in people's houses—an occupation to which no objection can be taken on grounds of morality. Indeed, to interfere with these itinerant minstrels will practically amount to an interference with the Hindu religion. Again, the mere begging of alms, in itself, is not objectionable and should not be penalized in a land where the Poor Law rate is unknown, so long as it is not regarded as a nuisance by the people nor carried on in a manner offensive or repulsive to them. The same may be said of "playing" and "performing" and in respect of none of these the idea of "pretence" is warrantable.

The Bengal National Chamber of Commerce is also of the same opinion. Even the Mendicancy Committee do not propose to be so hard and do not make so sweeping a recommendation with regard to the adult beggars. They would exclude certain places, allow receiving alms in certain cases and, so far as I remember, do not propose to punish even "pretence." I think when the Mendicancy Committee report will come to be considered and legislation thereon will be undertaken, the case of the child beggars may well be dealt with at that time. And hence I propose that these provisions be omitted now.

Rai MAHENDRA CHANDRA MITRA Bahadur: I am sorry to oppose the amendment moved by my friend, Rai Harendranath Chaudhuri. The object of the Bill would be frustrated if this sub-clause is deleted from the Bill. Any one who has experience how the beggar boys trouble society will come forward to recommend the Bill itself. The object of the Bill is to make provision for the accommodation of beggar boys who are troubling us so often. If you delete these two provisions the object of the Bill would be defeated.

I would be very sorry if these two omissions, as indicated by my learned friend in the amendment, be made. Now let us look at the procedure adopted by these beggar boys in the streets. If you go to the Howrah Railway Station, you will find on the platform numberless beggar boys and beggar girls who will besiege you, trouble you, and ask you to pay them something for their livelihood. I am sure it is a grave nuisance. I thought it necessary years ago to ask Government to frame rules for the purpose of helping these beggars. So, under these circumstances, I would ask the members of the Council to consider whether it is reasonable and just to delete these terms. So far as I am concerned, I strongly oppose the provision of these words in the Bill.

Mr. H. A. STARK: The very preamble of the Bill tells us that this Bill is to make provision for the protection of children and young persons. We know very well that there are men and women who send out children to beg, and that these poor children have a most unfortunate time of it if they return empty-handed. They are told not to return with empty hands. If they do they are subjected to great cruelty. Besides, we are not here thinking only of the nuisance they are to the public. We are going to protect them through this Bill. But if instead of protecting them, we return them to the men who send them out—and this is what the amendment amounts to—we expose them to cruelty. Children who are sent out begging, have experiences that must degrade them. If they are unsuccessful in obtaining alms, they steal, and eventually they develop into criminals. I very strongly oppose the amendment.

The Hon'ble Sir ABD-UR-RAHIM: I think that Rai Mahendra Chandra Mitra Bahadur has rightly pointed out that this is a very important portion of the Bill. If you leave out this sub-clause, you will be mutilating the Bill to a great extent. The object of the Bill is to protect those helpless children, who wander about in the streets of Calcutta, begging for their livelihood or for the livelihood of their parents. It is very often that they are sent out to beg, as pointed out by Mr. Stark, by their parents and guardians. I should have liked very much to hear from more Hindu members if there is really any religious objection to a clause of this nature. But speaking for myself, as a Muhammadan, I know there are beggars who always beg in the name of religion; it is only a pretext—that is the means they employ in order to induce charitable persons to part with their money. Surely, I should be loath to believe that any religion—certainly not the Muhammadan religion encourages this sort of begging. Personally, I should think that begging is a vice in any case, and, in the case of young children, it is the duty of the State to prevent it as far as possible, and see that children are not allowed to beg in the streets if it can be helped. The object of the Bill is to take care of children of this character, to rescue them from their surroundings, feed them and educate them until they grow old and are able to earn their

livelihood. For myself, I do not see that there can be any objection on the score of the Hindu religion to a protective clause of this nature. But, if the Hindu members of the Council do really entertain such opinion, that is a different matter. You must also remember that the clause does not deal merely with the case of Hindu beggar boys. There are others to whom this objection will not apply. I am afraid there are as many Muhammadan beggars as there are in any other community—perhaps, more so, and I am sure, that so far as Muhammadan opinion is concerned, it will be strongly arrayed in favour of this clause. It will be very much mutilating the usefulness of the Bill if you delete this clause. I, on behalf of Government, oppose it.

The motion was then put and lost.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move "that for clause 28(*a1*) (*a*) the following be substituted, namely, 'lives by habitually begging under circumstances which may lead to an idle and vicious life.'"

I find that the British Indian Association and other Indian Associations, which have dealt with the question, have all opposed the insertion of this clause "by begging." The British Indian Association says that this clause is a verbatim reproduction of section 58 (*1*) (*a*) of the Children Act of England. But the circumstances of this country are altogether different from those in England. Here, little children in indigent circumstances sometimes derive their livelihood and occasionally even support their aged and infirm parent or guardians by singing hymns in the streets or in people's houses—an occupation to which no objection can be taken on grounds of morality. Indeed, to interfere with these itinerant minstrels will practically amount to an interference with the Hindu religion. Again, the mere begging of alms, in itself, is not objectionable and should not be penalised in a land where the Poor Law rate is unknown, so long as it is not regarded as a nuisance by the people nor carried on in a manner offensive or repulsive to them. The same may be said of playing and performing and in respect of none of these the idea of pretence is warrantable. This section is based upon the provisions of the English Act and we must remember that the social laws of England and India are very different. I fully appreciate what Sir Abd-ur-Rahim said—that it is the duty of the State to provide for the very poor, infirm and the old. I do hope that the time will come when the State will support the infirm, those without work and the old, and that beggary should be prohibited. But in India with its 300 millions of people, the principle of work-house and other English systems are not applicable at the present moment, especially when the finances of Government are in such a deplorable condition. Therefore, begging as an institution cannot be abolished in this country, and the Hon'ble Sir Abd-ur-Rahim, speaking for the Muhammadans, also supports this view. I would like to know what would happen to the injunction of the Prophet about alms-giving, the very first and most meritorious act, if there are no

beggars. In this country, we could never support the poor unless every Hindu household gave alms as they are doing now. As regards boys, it is known very well that hundreds of them live upon charity and I know of hundreds of them who have got up to high position in life by begging. They got their education from, and lived by, begging. Now you may say that begging by boys is to be prohibited altogether, but it is against the very social system of this country. Our system is quite different from the system prevailing in England and until you provide a poor house or something of that sort, you have no right whatsoever to prohibit begging. I, therefore, do not wish to go so far as the British Indian Association or my friend over there who wishes to omit this section altogether, but what I say is that this should be modified as I suggest. If we go beyond this the Hindus will resent. I cannot speak for the Muhammadans.

Rai MAHENDRA CHANDRA MITRA Bahadur: It is only a difference of language, as I find Rai Jogendra Chunder Ghose Bahadur wants the word "habitually" to be introduced before the word "begging." But what difference is there between living by begging and living by habitual begging? As I understand the English language—I am an Indian—I am led to think that living by begging is a stronger expression and conveys the idea more forcibly than living by habitually begging does. At any rate, it means the same. The Bill does not discuss as to the mode of charity adopted by the Hindus. Nothing of the kind. The Hindu considers it a meritorious act to distribute alms to beggars. Now the Council will notice that the Bill does not prohibit him from doing that. The object of the Bill is simply to help the beggar boys and girls who support themselves by begging, and the Rai Bahadur will realise my idea that, if these beggar boys are taken to industrial homes, they will probably live in a better style than when we see them occasionally receiving alms from Hindus and Muhammadans. The object of the Bill is praiseworthy and laudable and, consequently, if the Rai Bahadur wishes to introduce the word "habitually" before the word "begging," I do not think it matters much. But, in my opinion, the expression as it now stands, namely, "lives by begging" is stronger than the other expression which the mover intends to introduce. I oppose the amendment.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I beg to oppose this amendment. My friend has made a reference to the injunction of the Prophet. I may remind him that when a beggar goes to a Muhammadan, the latter is bound to give him alms, but if we scrutinise the injunction of the Prophet, we will find that there is no man who discourages begging more than he did. Once a man went to him and asked for alms. He asked: "What have you got?" The man replied: "I have got nothing else but a blanket." The Prophet asked the man to let him have the blanket, which he did. He then put up the blanket for sale and the money that was received from its sale was made over to the man. This man was then asked to buy a hatchet with the money, and when he

got it, the Prophet asked him to go to the jungles and cut wood. Thus, he was taught how to earn his own living. This shows that no man should be allowed to beg unless he has got to the last extremity. Though Muhammadans as a class are bound to give alms when a man asks for it, it is at the same time true that no man should be encouraged to beg. I heartily support the Act as it is and oppose the amendment.

The Hon'ble Sir ABD-UR-RAHIM: I must say that I have not the same objection to the amendment of Rai Jogendra Chunder Ghose Bahadur as to the more drastic amendment moved by Rai Harendranath Chaudhuri. This amendment in fact is a verbal one, and so far as the Government is concerned, they do not think that it is an improvement on the draft. For instance, if a person lives by begging, it surely means that he habitually begs, and not that he occasionally does so. There are other qualifying phrases, namely, "begging under circumstances which may lead to an idle and vicious life." As regards that point I should like to have the opinion of the other Hindu members of the Council whether there is any objection on religious grounds to this provision in the Bill. But, so far as I can see, there is really no serious objection on their part. I know that certain objections were raised by some of the Associations, but I should have thought that, if the members of the Council placed any reliance on those objections they would have come forward to support them; but if it be the opinion of the House that the amendment, as proposed by the Rai Bahadur, will go to protect some cases of *bona fide* persons, who do not beg in a manner which leads to an idle and vicious life, I would not, on behalf of Government, oppose the amendmnt. I leave it entirely to the Council whether to accept the proposal or not, but with this modification that the word "habitually" may be left out. I may just mention to the House that the argument that there is no work-house or alms-house in this country as in England does not really help Rai Jogendra Chunder Ghose Bahadur. On the other hand, we want to take these children on our hands, feed them, clothe them, lodge them and educate them. Is not this really more than what the ordinary work-house and alms-house does? If, however, it be the sense of the House that the amendment may serve any useful purpose, I have no objection.

The motion being put, a division was taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Maulvi Yakubnuddin.
Ahmed, Munshi Jafar.
Ali, Munshi Amir.
Azam, Khan Bahadur Khwaja Mohamed.
Beadel, Mr. C. F.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Ghose, Rai Bahadur Jogendra Chunder.
Karim, Maulvi Abdul.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mukhopadhya, Babu Sarat Chandra.
Nakey, Mirza Muhammad Ali.
Nasker, Babu Hem Chandra.
Poddar, Babu Keshoram.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Nalini Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.

Roy, Rai Bahadur Lalit Mohan Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.

NOES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Arhamuddin, Maulvi Khandakar.
Barton, Mr. H.
Biss, Mr. E. E.
Bose, Mr. S. M.
Das, Babu Bhismadev.
Duval, Mr. H. P.
Farequi, Mr. K. C. M.
French, Mr. F. C.
Goode, Mr. S. W.
Haq, Shah Syed Emdadul.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Kerr, the Hon'ble Mr. J. H.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
McKenzie, Mr. D. P.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Pahlowan, Maulvi Md. Abdul Jubbar.
Rahim, the Hon'ble Sir Abd-ur-.
Raikat, Mr. Prasanna Deb.
Robinson, Major-General W. H. B.
Roy, Raja Manilall Singh.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

Ayes being 27 and the Noes 33, the motion was lost.

Rai HARENDRANATH CHAUDHURI: I move "that in clause 28 (*a1*) (*e*) before the word 'or' at the end, the following be inserted, namely:

'Provided the reputed prostitute is not the mother of the child who exercises proper guardianship and due care to protect the child from contamination."

The proviso which my amendment seeks to introduce is taken from the English Act. If the English child does not render himself liable to be hauled before the court and convicted of any——

Mr. H. P. DUVAL: which section are you quoting from?

Rai HARENDRANATH CHAUDHURI: From section 58, the end of sub-section (*1*). . . offence when his fallen mother exercises due care to protect him from contamination, I do not see any reason why an Indian child will render himself so liable. A mother, by virtue of her sacred relationship with the child, is certainly the best guardian if she is not obvious of her duty to protect the child from contamination. And if she is not, then no law should disturb the relationship and interdict association with her, and make her a source of pollution.

The Hon'ble Sir ABD-UR-RAHIM: I quite see that the English Act supports Rai Harendranath Chaudhuri, but the circumstances of India, surely, are very different. If you allow a loophole of this kind, you can be quite certain that good many of these cases will escape detection. There will be no difficulty in any of these women saying this is her child. How are you going to prove it is not? The Registration Act, as regards birth of children, is not enforced in India in the same way as in England. There are a good many cases of births which

are never registered. In England, things are very different; there, there are very few cases in which the birth of children are not registered. In India, it will be very difficult to disprove the allegation of a prostitute that the child living with her is hers. There is a fundamental difference in this respect between England and India. Here I am afraid, too, many of these women who have got young children under their protection, are bringing them up in the same profession in which they themselves grew up, and it would really be dangerous if we accept the amendment which Rai Harendranath Chaudhuri has proposed. I should say it is reasonably certain that in most cases somebody else's child will be put forward as the child of the women, and it will be impossible for the State to prove that the child is not the child of the woman. After all, are we doing any injury to the child? What we want to do is to rescue and protect the child from bad surroundings for it is certain that if the child continued to be in such surroundings, she would be brought up as a prostitute. I really do not think the amendment ought to be accepted.

Babu SURENDRA NATH MALLIK: I oppose this amendment. I really do not know why Rai Harendranath Chaudhuri brought it up; it goes to the very root of things. He has absolutely no knowledge of the state of things in these houses. A number of these cases, extremely bad cases, come to me in the courts in my professional career, and my experience has shown me that protection is absolutely necessary for these young girls. It will be no protection to them unless you are prepared to take them right away from their own mothers. You will be doing very serious harm, and defeating the very object of the Bill, if you put in this clause. It is no reason that because it is done under the English Act, it should be done in India. It is for the English people themselves to consider whether they should amend their own Act; it is not for us to follow their bad example. It is impossible for a child to remain good if she is allowed to live with her mother, if she is a prostitute. I object even to a prostitute living in a respectable quarter; I object very much to the indiscriminate mixing up of prostitutes by living in respectable localities. I know in our own quarter, there is a public prostitute living just opposite the house of a very respectable gentleman; the children in his house see and learn all that is undesirable and is going on in the other house; he has his wife, his young brothers; his sons and daughters, all seeing what is going on in the other house; I think it is most objectionable. I do not think it is proper to allow a child to remain with a woman because she is the mother, if she is a prostitute. I am strongly against this, and I think my friend ought to consider the situation and drop his suggestion.

Mr. H. A STARK: The object of this amendment is not to allow a child to remain with its mother who is living an advertised immoral life——

Rai HARENDRANATH CHAUDHURI: No, that is not it.

Mr. H. A. STARK: Anybody who knows local conditions, knows very well that there are hundreds and thousands of cases in which certain women live in single-roomed huts, and how a child living with them can escape contamination is more than I can make out. We know very well that the force of example is stronger than all forces. You compel a child to live in an atmosphere of vice, and expect it to grow up virtuous. I entirely oppose this amendment.

The motion was then put and lost.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in clause 28 (*a1*) (*e*), after the word 'prostitute' the words 'or of any man of bad character' be inserted."

I find a difficulty in explaining the words 'bad character,' but my object is that the child should be free from the influence of a bad character. I do not think there can be any objection to the insertion of these words.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I oppose this amendment. I am surprised to find Rai Mahendra Chandra Mitra Bahadur wishing to put in the words 'bad character.' What is a bad character? This is a frame of mind we have got into of thinking that everyone except myself is a bad character, and I think that my friend Rai Bahadur has got into that frame of mind.

The Hon'ble Sir ABD-UR-RAHIM: I cannot help sympathising with the object Rai Mahendra Chandra Mitra Bahadur has in view, but he has not been able to tell us, in plain words, what he really means. The phrase is very vague. It might be very desirable in certain cases in which a child has to be protected from a certain class of persons, but it is very difficult to specify this class of persons. It would not be advisable to accept this amendment.

The motion was then put and lost.

The following amendment, which stood in the name of Babu Indu Bhushan Dutta, being consequential, failed:—

"That in clause 28 (*1*), line 4, after the word 'years,' the words 'in the case of boys and twelve years in the case of girls' be inserted."

Babu KISHORI MOHAN CHAUDHURI: By leave of the Council, I move, on behalf of Babu Indu Bhushan Dutta, "that for clause 28 (*1*) (*a*), the following be substituted, namely:—

'(*a*) is found in any street or place of public resort begging; or.' "

The reason for this amendment is obvious.

The Hon'ble Sir ABD-UR-RAHIM: It has not been explained what is the objection to the clause as it stands. I suppose he wants to leave

out the rest of the clause. I do not think there is any substance in this amendment. I therefore oppose it.

The amendment was put and lost.

Rai HARENDRANATH CHAUDHURI: I move "that clause 28 (*1*) (*a*) be omitted."

I am almost sure of the fate of this amendment, judging from the fate which has overtaken my previous amendment No. 123. I would not have liked to move this amendment, but as I find I have been entirely misunderstood in connection with what I said in support of amendment No. 123, I think in moving this amendment I ought to make my meaning clear.

All I said before was that beggary itself should not be made an offence so hastily by this Act, for this question can be more appropriately considered when the Mendicancy Committee report comes up for discussion and legislation thereon is undertaken. I am surprised to find the Hon'ble Member in charge of the Bill saying that this will frustrate the very object of the Bill. Now what is the object of the Bill? It is to make further provision for the custody, trial, and punishment of youthful offenders and for the protection of children and young persons. The object of this Act cannot be to create a new offence for the child—an offence not visited with punishment in the case of older people. Begging itself has not been made a punishable offence by any other Act; therefore, it should not be made a punishable offence only in the case of children. The Hon'ble Member in charge of the Bill inquired whether the Hindu religion sanctions beggary of the type which it is the object of the Act to suppress. Now, if it is not an insinuation against Hindu religion, all that I can say is that the Hindu religion neither authorises nor punishes beggary. Moreover, this clause does not say anything of beggary "of a particular type" ; it makes all kinds of beggary—begging itself (without discrimination)—to be a punishable offence in the case of children. In proposing this amendment, I am supported by many important associations, such as the British Indian Association, the Marwari Association, etc. Therefore, I think, it will be quite injudicious now in this Act to make it a punishable offence. We can postpone the consideration of such things till legislation is undertaken on the Mendicancy Report.

The DEPUTY-PRESIDENT: I need not put this amendment to vote because it is consequential on the decision on the amendment to clause 28 (*a1*) (*a*); therefore, it fails.

The following motion which stood in the name of Kumar Shib Shekhareswar Ray was deemed to be withdrawn owing to the member's absence:—

"That in clause 28 (*1*), sub-clauses (*a*) and (*b*) be omitted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 28 (*1*), penultimate line, after the words 'inquiring further' the

words ' publish a notice in the *Calcutta Gazette* and in the local newspapers, if any, and in all the police-stations in the district for two consecutive weeks and ' be inserted."

The provision is—" and the court before which a child is brought as coming within one of these descriptions shall examine the information and record the substance of such examination and shall, if it thinks that there are sufficient grounds for inquiring further, fix a date for such inquiry." My contention is that fixing a date alone will not do. There may be certain cases in which the guardian or parent cannot be traced, and in these cases, if any further inquiry is to be made, it should be made known to the public by notification in the *Calcutta Gazette* or local newspapers, and information sent to thanas in the district, so that parents, who have lost their children, may come forward and take custody of the child. It is for this reason that there should be a provision in the Bill for notification in newspapers and notice in thanas, etc. I hope Government will accept this.

Mr. H. P. DUVAL: I am afraid Government cannot accept this amendment. It seems to me to be quite unnecessary that the fact that the child has been found in the street begging and taken up, should be advertised in the *Calcutta Gazette* and all newspapers throughout the whole district for two weeks. Meanwhile the child would have to be kept somewhere, either in the house of detention or somewhere else, at least for this period, just for the purpose of this notice which will have very little effect, or perhaps no effect at all.

The DEPUTY-PRESIDENT: I will now adjourn the Council for 15 minutes. (A voice: "It is not yet time; we have still two minutes, and we might continue this discussion.")

Babu SURENDRA NATH MALLIK: In that case, I might utilize those two minutes in opposing this amendment. Does he seriously suggest that we should advertise in the *Calcutta Gazette*, and all the local newspapers, and send information to all the thanas in the district—there might be 20 or 30 of them—and go on advertising in this way for a week? This will cost a large sum of money, about Rs. 150 or Rs. 200 each time. Why not inquire in the local thana? Anybody may go and inquire whether his child has been taken up in a local thana. I hope my friend we might continue this discussion.")

The motion was then put and lost.

The Council here adjourned for 15 minutes.

After the adjournment.

Kumar SHIB SHEKHARESWAR RAY: I move "that to clause 28 (*1*), the following proviso be added, namely:—

'Provided that nothing in this sub-section shall apply to a female child.' "

My amendment is that no female child, specially no Hindu or Muhammadan female, would be subjected to this particular clause of the section which provides for summary arrests, and my objection is based on several grounds. Firstly, the clause says that any person authorised by the local Government in this behalf may arrest any child, male or female. We do not know yet what class of people are likely to be so authorised. If the constables or petty officers of the Society for the Prevention of Cruelty to Animals type fall in the category, the power is most likely to be abused for quite other purposes. Quite respectable parents against whom a grudge might be borne by somebody, might easily be insulted or humiliated by thus having their female children arrested by constables. Next, it is one thing when a female child is produced before the court after summons had been issued. In that case they go direct to the court under the protection of their guardians. But it becomes quite another thing, and I should say a terrible thing, when the female children are summarily arrested and then taken to the court after 24 hours' detention elsewhere, as allowed by the section as drafted. Who knows what might not happen during the interval. Let me be clear. I do not object to the summons procedure, as provided in the first part of the section, but I strongly object to the summary arrests of female children by anybody and everybody, as provided in this part of the section, because of the great risks involved. Lastly, I object to this as a Hindu. We all know that at Kalighat at least there is quite a number of small girls, daughters mostly of the priests of the temple, who beg from the pilgrims, and the pilgrims also regard this alms-giving to virgins as an act of merit. If we pass this law as it stands, any police officer might arrest them wholesale, keep them in custody for 24 hours and then produce them before the court, heaping in the meantime all sorts of indignities on their parents if they unfortunately approach the thana. So, I oppose this provision because of the several loopholes given to unscrupulous officers who might be tempted to abuse their powers to their own benefit without any proper safeguards or checks. I hope the House would agree with me and my amendment would be accepted.

The Hon'ble Sir ABD-UR-RAHIM: I must oppose this amendment. Kumar Shib Shekhareswar Ray is apparently under a misapprehension that it is the intention of the Bill that a constable or anybody and everybody will be authorised under this clause to bring up a male or female child before the court. It is not desired to give an ordinary constable power to act under this clause. It is for this reason that the Government has taken to itself the power to authorise special persons for the purpose. Of course, there may happen cases where reliable police officers will be authorised for this purpose. The object of this clause is to enable Government to authorise persons and societies, who take an interest in social service, with power under this clause and there are, fortunately in Calcutta at present, societies of that kind. Power may be given to such societies

which take an interest in social service and are keen on rescuing children from a life of pauperism or criminality under this clause. Then it is urged that female children at least should not be dealt with under this class. I should think that the Kumar is about the only person in this Council who holds suh views which are entirely opposed to a strong body of public opinion in deference to whom we have included girls in this Bill. He might remember that girls were originally left out of the Bill because the Government was not sure then of the trend of Indian public opinion on the subject, but the Government are now satisfied from the representations made in the Select Committee, as well as from the opinions that have been received from important public bodies, that girls should be included. If we are to remove girls from the purview of this clause, we shall be curtailing the usefulness of this Act to a very considerable extent. I do not really understand what is the danger which the Kumar apprehends in rescuing destitute girls from a criminal life. I should have thought that there could be no risk to be apprehended in cases of this character and we would not have provided in this clause that any such persons as are authorised by the local Government might bring up unprotected children before the juvenile court, if our intention were to authorise merely police officers to act under this clause. I do not think, therefore, that it is justifiable on the part of the Kumar to suggest such motives.

The motion was then put and lost.

Kumar SHIB SHEKHARESWAR RAY: As motion No. 133 has not been carried, I move "that to clause 28(*1*) the following proviso be added, namely:—

'Provided that nothing in this sub-section shall apply to a Hindu or Muhammadan female child.' "

I have very little to add to what I have already said with reference to my previous motion, but I might say this much that this request to include the girls came only from the Europeans and Anglo-Indians and not from the Hindus and Muhammadans and, as a Hindu, I cannot let this matter go unchallenged, and I think I will have to press for a division on this matter. I appeal to my Muhammadan friends to support me. It is a matter of great importance both to Hindus and Muhammadans. We have our girls aged 14 who are almost women. They may be arrested when they go out to fetch some articles from the bazar by any official who may be authorised by the Government in this behalf. I object to this and I hope to have the support of my collegues.

The Hon'ble Sir ABD-UR-RAHIM: I think that the Kumar has not read this Bill very carefully or at any rate this clause. The Local Government is not going to authorise and cannot authorise any person to arrest any boy or any girls.

Kumar SHIB SHEKHARESWAR RAY: May I ask whether Government will only authorise ladies to make arrests?

The Hon'ble Sir ABD-UR-RAHIM: Government will certainly be prepared to authorise ladies that may come forward to act under this clause. It is only girls who are found wandering in the streets and begging without any subsistence that can be brought up under the clause. It is not a question of arresting any body or every body and bringing her up. It is not really a question of arresting them but it is only for protecting those children who really require to be looked after that power is to be given to certain persons to bring them up before a court for the purpose of sending them to an industrial school so that they may be looked after properly. The Bill is divided into two parts—one is for the detention of criminals, that is, those who have offended against the law, and the other part is intended to offer protection to destitute children who are neglected by their parents or guardians and who need the protection of the State, and it is children of that character that can be brought up under this clause. It is not a question of a constable arresting any or every girl under this clause. Under the ordinary law, however, a constable can arrest any person who is alleged to have committed an offence.

As regards excluding Hindu or Muhammadan children from the scope of the Bill, I feel perfectly sure that the Council would not agree to it. If we agreed to it, the result would be that only a certain class of Anglo-Indian children would receive protection, and surely, it cannot be the desire of anybody that Hindu or Muhammadan children should not get the benefit of this Bill. If that is the Kumar's desire, then I feel confident that the House will not give effect to it.

I, therefore, oppose this amendment.

Babu SURENDRA NATH MALLIK: My friend, the Kumar, has asked his Hindu friends to support him. I do not know whether he will call me a Hindu as, I am afraid, I may not be a Hindu according to his ideal. But I am certainly a Hindu and I do not think that there is any objection to this provision. I think the Kumar's misapprehension has arisen largely from two things. Firstly, he must be under the impression that this Act is going to be administered by some vicious or wicked people who will be selected for the purpose; and secondly, I think, he forgets, perhaps that this is chiefly meant for children of the poorer classes. It is not that any respectable girl from any Hindu or Muhammadan house would be taken away. It is only such children who have no home and are in bad company that for their protection this provision has been enacted. Is it therefore proper that Hindu and Muhammadan girls of the poorer classes should be deprived of this advantage? We gain nothing by it. At least we may take it that the people, that is the Magistrates or those who will administer this Act will have some sense and they will use their discretion as to whom they should keep and whom they should not. The Magistrates are also not the final arbiters of their fate. There should not be any misapprehension in that respect. As regards the other point, it is only children

of the poorer classes who need protection, otherwise they are sure to be demoralised. Everybody knows how the number of prostitutes is swelling up. There is already a large number of prostitutes in this town of Calcutta—the number is already, I think, 18,000 and, I believe, another 18,000 or more may be described as demi-mondes or something of that description. It is therefore useless objecting to this provision. Our girls do require just the same protection as girls of any other community. It is the children or rather the unfortunate children of parents who neglect them who need protection. In that view of the matter, I would ask my friend to consider whether we should not say that this must apply to Hindu as well as Muhammadan girls.

Mr. H. A. STARK: This Bill is designed for the protection of children and young persons, and I suppose also for custody, trial and punishment of incorrigible youthful offenders. "Young person" is defined as a child of either sex. We shall have courts to deal with such persons. If the amendment is accepted and girls are practically ruled out, the scope of the Bill will be reduced to a pious wish. That is the objection to the amendment. The second objection is that if girls are to be tried at all, I suppose there must be some agency that will bring them before the magistrate; and the mover of the amendment, by not making a constructive suggestion as to who shall bring them before a magistrate, proposes a position which defeats half or more than half the object of the Bill. I do not think that anybody should support the amendment.

Rai MAHENDRA CHANDRA MITRA Bahadur: I am sorry to oppose this amendment. If this proviso be added then the scope of the Bill will be a very limited one. I do not think that an exception should be made in the case of a Hindu or Muhammadan female child in the application of clause 28(1). It is for the very object of giving protection to Hindu and Muhammadan girls, as explained in the Bill, we find this enactment is put forward before the legislature. I do not think that here we should apply our religious sentiments to this matter—I say religious or social sentiments. Therefore, although I am a Hindu, I think it is in the interest of our society that this Bill should have a full scope. It will be a mistake on the part of any person to come forward with an amendment of this kind.

Rai HARENDRANATH CHAUDHURI: All that I want to say is that I support Kumar Shib Shekhareswar Ray's amendment for exactly the same reasons that he has given.

The motion was then put to vote and a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur, Maulvi Emaduddin.	Chaudhuri, Maulvi Shah Muhammad.
Charmakar, Babu Rasik Chandra.	Chaudhuri, Rai Harendranath.
Chaudhuri, Babu Kishori Mohan.	Faroqui, Mr. K. G. M.
Chaudhuri, Khan Bahadur Maulvi Hafizar	Haq, Shah Syed Emdadul.

Khan, Babu Devendra Lal.
Khan, Maulvi Md. Rafique Uddin.
Makramali, Munshi.
Nakey, Mirza Muhammad Ali.
Pahlowan, Maulvi Md. Abdul Jubbar.
Raikat, Mr. Prasanna Deb.
Ray, Kumar Shib Shekhareswar.
Roy, Raja Manilall Singh.
Suhrawardy, Dr. A.

NOES.

Ahmed, Maulvi Yakuinuddin.
Ali, Mr. Syed Nasim.
Arhamuddin, Maulvi Khandakar.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bose, Mr. S. M.
De, Babu Fanindralal.
Duval, Mr. H. P.
French, Mr. F. C.
Ghose, Rai Bahadur Jogendra Chunder.
Goode, Mr. S. W.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. C. T.
Karim, Maulvi Abdul.
Kerr, the Hon'ble Mr. J. H.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
Mallik, Babu Surendra Nath.
McKenzie, Mr. D. P.
Mitra, Rai Bahadur Mahendra Chandra.
Rahim, the Hon'ble Sir Abd-ur-.
Robinson, Major-General W. H. B.
Sinha, Babu Surendra Narayan.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 17, and the Noes 33, the motion was lost.

Dr. HASSAN SUHRAWARDY: I move " that after clause 28 (*1*) (*c*) the following be added, namely:—

' or

(*cc*) frequents the company of any reputed thief or prostitue; or

(*ccc*) lives in houses of ill-fame; or

(*cccc*) is subject to cruel treatment.' "

I beg to submit that these children do require protection and help and if we do not bring them in at once, it will be possible that there will be a considerable amount of delay and they will escape, or the people who are harbouring them will take measures to remove them, to such areas where the Bill is not in force. The delay is likely in a large measure to defeat the ends of the Bill, and, therefore, I recommend that my amendment may be accepted. There is another point. The authorization of Government ought to empower carefully selected persons or class of persons to bring at once, before a Magistrate, children who frequent the company of any reputed thief or prostitute or live in houses of ill-fame, or are subject to cruel treatment. The security against any abuse of these powers lies in the careful selection of those to whom they are entrusted. It is better that the number of authorised persons should be comparatively small, while their powers are real and adequate, than that the number should be large but their powers so limited as to render them of little use in the protection of child-life. That is the important point which I want to put before the House.

Babu SURENDRA NATH MALLIK: I beg to support this amendment for the simple reason that I wanted to go further than my friend, but my amendment was disallowed by the Government of India. If the

clauses suggested by my friend are already provided somewhere in the Bill, they might be left out. His object is to give protection to these girls and nothing else. I therefore think that there is nothing objectionable in this amendment. These provisions are not included in the first part of the clause and I shall be glad to be told if there is any other place where they have been included.

Rai JOGENDRA CHUNDER GHOSE Bahadur: All these provisions are included in the clause.

Babu SURENDRA NATH MALLIK: But these are for a different purpose. If they are all included then why are there only (*a*), (*b*) and (*c*), and not (*d*), (*e*) and (*f*)? I may be mistaken. I am not one of those who are afraid to admit mistakes. But if these provisions are not included, they should be, as suggested by my friend.

Rai JOGENDRA CHUNDER GHOSE Bahadur: (*cc*) is identical with (*c*). Are you satisfied? Then all the others are there. (*f*) is more comprehensive than (*ccc*) and (*d*) is infinitely better than (*cccc*).

The Hon'ble Sir ABD-UR-RAHIM: I am afraid that both Dr. Hassan Suhrawardy and Babu Surendra Nath Mallik are under some misapprehension. The first part of clause 28 empowers the court to issue summons or warrants to bring up certain persons before the court, that is to say, those who live by begging or who are destitute or are under the care of a parent or guardian who is unfit to take care of the child, etc. The object is this: we do not want in cases of this character to authorise anyone to go into the house of a parent or guardian and bring away the child from there in order to produce the child before the court. We want to take the precaution that only persons who are armed with summons or warrants can go and bring the child under these circumstances. The clause which we are now discussing is different in its scope. It gives powers to certain authorised persons to arrest and bring up before the court certain children and those are the class of children who are found in streets or places of public resort. So there is no question of person being authorised to enter anybody's house. What is the good, for instance, if a child is found loitering in the streets to take out summons for him. By the time the summons is issued the child disappears. This part of the Bill authorises certain persons to bring up those children, otherwise those children cannot be brought up before the court. Rai Jogendra Chunder Ghose Bahadur has pointed out clearly that all these cases are provided for in the previous clause. The only difference is how they are to be brought before the court, that is, those who are found wandering in the streets. They have to be brought immediately before the court. Those who have got some places to live in will not be interfered with except under summons or warrants. That is the difference. In the original Bill they were all treated in the same way and there was no provision for

summons on warrants,—all were to be brought up by authorised persons. But as was pointed out in the Select Committee, it might be risky if we allowed persons to enter other's houses without summons or warrants.

Dr. HASSAN SUHRAWARDY: May I explain that what the Hon'ble Member has said amounts to this, namely, that in case of (*a*), (*b*) and (*c*), a child can be brought without summons but in case of (*d*) and (*e*), it is necessary to get summons to bring the child. I submit that there will be delay in getting out summons in these cases——

The DEPUTY-PRESIDENT: You cannot be allowed to make another speech.

The motion was then put to vote and a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.	Khan, Maulvi Hamid-ud-din.
Ahmed, Maulvi Yakuinuddin.	Khan, Maulvi Md. Rafique Uddin.
Aley, Mr. S. Mahboob.	Khan, Mr. Razaur Rahman.
Basu, Babu Jatindra Nath.	Makramali, Munshi.
Charmakar, Babu Rasik Chandra.	Mallik, Babu Surendra Nath.
Chaudhuri, Babu Kishori Mohan.	Mitra, Rai Bahadur Mahendra Chandra.
Chaudhuri, Maulvi Shah Muhammad.	Nakey, Mirza Muhammad Ali.
Dutt, Mr. Ajoy Chunder.	Nasker, Babu Hem Chandra.
Faroqui, Mr. K. C. M.	Pahlowan, Maulvi Md. Abdul Jubbar.
Haq, Shah Syed Emdadul.	Roy, Raja Manilall Singh.
Hussain, Maulvi Muhammad Madassur.	Sarkar, Babu Rishindra Nath.
Karim, Maulvi Abdul.	Suhrawardy, Dr. A.
Karim, Maulvi Fazlul.	Suhrawardy, Dr. Hassan.

NOES.

Ali, Mr. Syed Nasim.	Kerr, the Hon'ble Mr. J. H.
Biss, Mr. E. E.	Lang, Mr. J.
Bose, Mr. S. M.	Rahim, the Hon'ble Sir Abd-ur-.
De, Babu Fanindralal.	Robinson, Major-General W. H. B.
Dutt, Rai Bahadur Dr. Haridhan.	Sinha, Babu Surendra Narayan.
Duval, Mr. H. P.	Spry, Mr. H. E.
French, Mr. F. C.	Stark, Mr. H. A.
Ghose, Rai Bahadur Jogendra Chunder.	Stephenson, Mr. H. L.
Goode, Mr. S. W.	Swan, Mr. J. A. L.
Hopkyns, Mr. W. S.	Walsh, Mr. C. P.
Huntingford, Mr. C. T.	Wordsworth, Mr. W. C.

The Ayes being 26 and the Noes 22, the motion was carried.

Babu KISHORI MOHAN CHAUDHURI: In the absence of Kumar Shib Shekhareswar Ray, I move "that to clause 28 (3), the following proviso be added, namely:—

'Provided that in the case of a female child, the Court shall not send such child to an industrial school where there is no separate arrangement for female children.'"

Mr. H. P. DUVAL: I do not think this amendment is necessary because we have accepted Babu Indu Bhushan Dutta's amendment No. 28 with certain alterations and have already put in the Bill a provision that where boys and girls are accommodated in a reformatory or industrial school, the accommodation provided for girls shall be in a separate building or compound; there is therefore no necessity for this provision

separate

because the court cannot send girls to a school which is provided for boys. Boys and girls go to different institutions. I therefore suggest that the mover should withdraw his motion, as in view of the previous amendment which has been accepted it is unnecessary.

The motion was then put and lost.

Babu SURENDRA NATH MALLIK: I move "that after clause 28 (*3*), the following be added, namely:—

'(*4*) If, after inquiring, the court is satisfied that the child has been living by begging at the instance or for the profit of any professional keeper of begging children, then the court may direct him to appear before it and, after hearing him in his defence, may, in its discretion, direct him to pay towards the cost of the proceedings any amount not exceeding Rs. 25, and such cost shall be realisable under the provisions of the Code of Criminal Procedure, 1898 (Act V of 1898), as if they were fines.' "

The object of this amendment is quite clear on the very face of it. It is to stop the energy of the professional keeper of begging children. In Calcutta, in particular, we know that a lot of these children who beg in the streets do so at the instance of professional keepers of such children, who take away almost everything from them leaving them in hunger and destitution just as they should be left for the purpose of carrying their profession. Some of them try to mutilate these children so that they may rouse greater sympathy. These are the people against whom I suggest that proceedings should be taken and fines imposed if the court is satisfied that a particular child was begging at the instance of any of these professional keepers. The court will ask him to show cause why he should not pay for the cost of the prosecution and, if satisfied, will inflict him with the cost not exceeding Rs. 25. Money is required for the maintenance of these children and if these persons are called upon to pay the costs it would not only pay towards the maintenance of the children but would also act as a deterrent. I do not wish to say anything more on this motion particularly as I have been given to understand that the Hon'ble Member in charge is willing to accept the amendment with slight verbal alterations.

Mr. H. P. DUVAL: On behalf of Government, I accept this amendment subject to slight verbal alterations.

The motion was then put in the following form and agreed to:—

'If, after inquiry, the court is satisfied that the child has been living by begging at the instance or for the profit of any person who is a professional keeper of begging children, then the court may direct such person to appear before it and, after hearing him in his defence, may, in its discretion, direct him to pay towards the cost of the proceedings any amount not exceeding twenty-five rupees, and such cost shall be realizable under the provisions of the Code of Criminal Procedure, 1898, as if it were a fine."

The DEPUTY-PRESIDENT: The question is that clause 28, as amended, stand part of the Bill.

The motion was put and agreed to

Clause 29.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 29 stand part of the Bill.

The following amendment, which stood in the name of Babu Kishori Mohan Chaudhuri, being consequential, failed:—

" That in clause 29, for the words ' prescribed manner,' in the two places where they occur, the words ' manner prescribed ' be substituted."

Babu KISHORI MOHAN CHAUDHURI: I move " that in clause 29 (2), line 3, after the words ' in the case ' the words ' and having authority to exercise powers under this Act ' be inserted."

I need not say anything on it, I only move it.

Mr. H. P. DUVAL: Government is prepared to accept this as it has accepted a similar motion by the same mover. The only difference is as to where exactly the words should come in in the section and I propose that instead of its coming after the words " Magistrate having jurisdiction in the case " it should be as we have previously done in section 5. The words should be " Magistrate having authority to exercise powers under this Act and having jurisdiction."

The mover having accepted the modification the motion was put in the modified form and agreed to.

Mr. H. A. STARK: Are we a quorum now?

There was a count and it was found that there was a quorum.

The following amendment, which stood in the name of Babu Indu Bhushan Dutta, being consequential, failed:—

" That in clause 29 (2), line 5, after the word ' years ' the words ' in the case of boys and twelve and thirteen years in the case of girls ' be inserted."

Babu KISHORI MOHAN CHAUDHURI: On behalf of Kumar Shib Shekhareswar Ray, I move "that clause 29 (2) be omitted."

Mr. H. P. DUVAL: On behalf of Government, I oppose this amendment. This sub-clause provides for the protection of young persons. It is not proposed to send them to industrial schools but to make an order under which they can be put under suitable custody until they attain the age of 16. We consider this clause desirable for the protection of young persons and I therefore oppose this amendment.

The motion was then put and lost.

Babu KISHORI MOHAN CHAUDHURI: On behalf of Kumar Shib Shekhareswar Ray, I move " that in clause 29 (*2*), after the words and figures ' in section 28 ' the word, figure and brackets, ' sub-section (*1*) ' be inserted."

Mr. H. P. DUVAL: After the acceptance by this Council of Dr .Hassan Suhrawardy's amendment No. 134A, the two parts of section 28, namely, section 28 (*a1*)and section (*1*) are practically similar and cover the same class of cases. Therefore, it seems to me that there is no point in this amendment. The mover for whom Babu Kishori Mohan Chaudhuri is speaking would only permit cases which come under section 28 (*1*) to come under this clause. But now we have included in section 28 (*1*) practically all the cases which come under section 28 (*a1*), and I submit, there is no object in pressing this amendment.

The motion was then put and lost.

Babu KISHORI MOHAN CHAUDHURI: On behalf of Kumar Shib Shekhareswar Ray, I move " that to clause 29 (*2*), the following be added, namely:—

' Provided that nothing in this sub-section shall apply to a female young person.' "

Mr. H. P. DUVAL: On behalf of Government, I oppose this amendment. We have already had a long discussion on this question whether female young persons should come within the scope of section 28. The same arguments will apply in respect of this clause. As the Council have already agreed to the inclusion of young females I have no doubt that here also they will agree to the inclusion in this clause for provision in respect of female young persons.

The motion was put and lost.

The following amendment, which stood in the name of Kumar Shib Shekhareswar Ray, was, by leave of the Council, withdrawn:—

" If motion No. 141, 142 or 143 be not carried, to move that to clause 29 (*2*), the following proviso be added, namely:—

' Provided that nothing in this sub-section shall apply to a Hindu or Muhammadan female young person.' "

The following amendment, which stood in the name of Kumar Shib Shekhareswar Ray, being consequential, failed:—

" If motion No. 141 be carried, to move that in clause 29 (*3*), in line 2, and in line 4, the words ' or young person ' be omitted."

The DEPUTY-PRESIDENT: The question is that clause 29, as amended, stand part of the Bill.

The motion was put and agreed to.

Mr. H. P. DUVAL: In amendment No. 184, Babu Kishori Mohan Chaudhuri proposes to add a proviso to clause 39A. Now clause 39A is a clause which gives authority to persons to have custody of children

or young persons, and though we quite agree with the principle that Babu Kishori Mohan Chaudhuri has put in his amendment, we feel that it is out of place in clause 39A, but that there should be a power at the end of this chapter by which Government at the request of the court can restore to his parents a child found destitute if his parents subsequently appear, and it appears to Government a proper case to do so. I therefore move that after clause 29, the following be added as 29A :—

" The Local Government at the request of the Court or on the application of a parent or relative of the child may make an order directing the restitution on such conditions as may be specified in the order of any child which having been dealt with by a Court under section 28, subsection (*3*), has either been sent to an industrial school or committed under section 29 to such parent or relative of the child as the Government may select; and the order passed by the Court in respect of such child shall thereupon be deemed to be modified accordingly."

The motion was put and agreed to.

Babu SURENDRA NATH MALLIK: I want to know whether it is permitted to ask as to the reasons why the Government of India have disallowed my amendment No. 146.

The DEPUTY-PRESIDENT: With reference to your question I may inform you that the Secretary will give you the necessary information to-morrow.

Babu SURENDRA NATH MALLIK: Thank you, Sir.

Adjournment.

The Council was then adjourned to Thursday, the 19th instant, at 3 P.M., at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 19th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 109 nominated and elected members.

Starred Questions

(to which oral answers were given).

Duties of the Deputy Commissioners and Assistant Commissioners of Police.

* **V. Mr. BIJOY PROSAD SINGH ROY:** Will the Hon'ble the Member in charge of the Police Department be pleased to state the exact nature of the duties of the following officers in the Calcutta police—

(*i*) Deputy Commissioners of Police; and

(*ii*) Assistant Commissioners of Police.

CHIEF SECRETARY to GOVERNMENT (Mr. H. L. Stephenson): (*i*) The 7 Deputy Commissioners exercise administrative control and supervision over the following departments or administrative units of the Calcutta police, *viz.*, Headquarters, North district, South district, Port, Detective Department, Special Branch, and Public Vehicles Department.

(*ii*) The 13 Assistant Commissioners (of whom two are temporary) are under the supervision of the Deputy Commissioners and have executive control over the direct investigation of crime and other detailed duties of the subordinate police. They are employed in the following departments:—Headquarters Reserve Force; Arms Act Department; Training School; North town and north suburbs division (comprising the North district); South town and south suburbs division (comprising the South district); Port; Detective Department (2); Special Branch; Public Vehicles Department (2).

Unstarred Questions

(answers to which were laid on the table).

Agricultural, commercial and industrial education.

29. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what steps, if any, have been taken for the encouragement of (*i*) agricultural, (*ii*) commercial, and (*iii*) industrial education in Bengal?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): The member is referred to the replies given to unstarred questions Nos. 5 and 143 asked by him in the Council meetings of 7th February and 31st August, 1921, respectively, and to question No. 60 asked by Rai Radha Charan Pal Bahadur on the 21st November, 1921. He is also referred to paragraphs 9, 10 and 13 and 16 to 18 of the report of the Department of Industries, Bengal, for the year ending 31st December, 1920, and paragraph 5 of resolution No. 4940 Ind., dated the 15th December, 1921, recorded by Government thereon, copies of which are laid on the Library table.

The following steps have recently been taken by Government:—

As regards agricultural education, it has been decided to convert the agricultural vernacular schools at Dacca and Chinsura into secondary agricultural schools with effect from January, 1922, where *gurus* and demonstrators, and also cultivators desiring agricultural education, and persons desiring occupation as demonstrators under district boards, courts of wards and khas mahal estates or private zamindaries will be trained. A scheme is being worked out for a cheap type of school for elementary agricultural education.

Sanction has been accorded to the appointment of a small staff for imparting theoretical training to the apprentices in the Eastern Bengal Railway Workshops at Kanchrapara pending the introduction of the complete scheme. A local committee has also been appointed for the Kanchrapara school by the Eastern Bengal Railway authorities, with the approval of the Board of Control for Apprenticeship training.

With regard to mining education, steps are being taken for the appointment of an instructor.

Steps are also being taken for the local recruitment of a suitable candidate for the Principalship of the Government Commercial Institute, Calcutta.

Civil court premises of Perojpur.

30. Maulvi AZAHARUDDIN AHMED: Will the Hon'ble the Member in charge of the Judicial Department be pleased to state—

(*i*) whether in the budget of 1921 a sum of Rs. 75,000 had been allotted for the erection of the civil court premises of Perojpur in the district of Bakarganj;

(*ii*) whether in the month of August last, the Bakarganj and district Public Works Department had invited tenders for the same, as a result of which many tenders were received by the Public Works Department, when the Government wired to the effect that the work was to be postponed;

(*iii*) what is the reason that caused the delay in the erection of the building till the end of the year 1921; and

(*iv*) to what department the allotted sum was transferred?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*i*) There was a provision of Rs. 71,000 for this work in the current year's budget.

(*ii*) Tenders were called for by the Executive Engineer in September, 1921. No tender had been received up to the date on which the notice was withdrawn.

(*iii*) Arrangements for undertaking the work were not complete earlier.

(*iv*) The provision was surrendered to the Finance Department.

Mortality caused by malaria and cholera in Bakarganj.

31. Maulvi AZAHARUDDIN AHMED: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing for every thana in the district of Bakarganj—

(*i*) the mortality caused by malaria and cholera during the years 1918 to 1920; and

(*ii*) the number of cases attended by Government medical officers during the said period, which ended in death?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*i*) A statement is laid on the table.

(*ii*) The information is not available.

Statement referred to in the reply to unstarred question No. 31(i), showing the mortality from cholera and fever for every thana in the district of Bakarganj during the years 1918 to 1920.

Names of thanas.	1918.				1919.				1920.			
	CHOLERA.		FEVER.		CHOLERA.		FEVER.		CHOLERA.		FEVER.	
	No.	Ratio.	No.	Ratio.	No.	Ratio.	No.	Ratio.	No.	Ratio.	No.	Ratio.
1. Barisal	83	·6	5,117	39·1	264	2 0	3,530	27·0	83	·6	3,266	24·9
2. Jhalakati	78	·5	4,613	28·6	449	2 8	3,881	24·1	178	1 1	3,587	22·2
3. Nalchiti	39	·5	2,922	36·4	137	1·7	2,302	28·6	92	1 1	1,988	24·7
4. Bakarganj	103	·7	3,150	21·8	195	1·4	3,001	20·8	93	·6	3,162	21·9
5. Mehdiganj	138	·9	3,744	21·5	335	1·9	4,170	23·9	163	·9	4,264	24·5
6. Gaurnadi	110	·4	5,502	20·9	419	1·6	6,068	23·0	589	2·2	6,383	24·2
7. Pirojpur	116	1·03	1,617	14·5	282	2·4	2,391	21 5	47	·4	2,043	18·4
8. Matbaria	109	·9	1,963	15·9	347	2·8	2,848	23·2	254	2·1	3,036	24·7
9. Sarupkati	150	·7	3,322	16·2	259	1·3	4,157	20·3	251	1·2	4,200	20·5
10. Bhandaria	61	·6	1,757	17·6	221	2 2	2,357	23·6	172	1·7	2,214	22·2
11. Patuakhali	150	·7	6,899	33·8	645	3·2	4,897	24·2	333	1·6	4,062	20·1
12. Bhanpbal	139	1·1	2,603	21·6	282	2·3	2,941	24·5	202	1 7	2,771	23·0
13. Amtali	176	1·2	3,853	26 6	669	4·6	3,937	27·4	90	·6	3,239	22·3
14. Galachipa	82	·8	2,051	20·2	211	2·0	2,136	21·1	137	1·4	2,327	23·0
15. Bhola	549	3·3	3,189	19·1	295	1·8	4,495	26·9	352	2·1	4,066	24·0
16. Barisnadi	258	1·7	2,183	14·4	306	2·0	3,739	24·7	290	1·9	4,130	27·3

N. B.—Separate statistics for malaria are not available.

Post of Lady Adviser to the Court of Wards.

32. Mr. SYED ERFAN ALI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the post of Lady Adviser to the Court of Wards, at present held by Miss Cornelia Sorabji, is going to be abolished?

(*b*) If so, from what date?

(*c*) If not, who is going to be appointed in her place?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Yes.

(*b*) Miss Sorabji is taking leave preparatory to retirement on the 15th March, 1922; this leave will expire on the 15th November from which date the post will be abolished.

(*c*) No reply is necessary.

Levy of illegal cesses or "abwabs."

33. Mr. S. M. BOSE: (*a*) With reference to the reply to my question No. XXXII of the 4th July last, regarding the admitted levy of illegal cesses or *abwabs* and of *salami* for permission to dig tanks by the Court of Wards, will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to say whether the Government are considering the desirability of issuing orders for the immediate stoppage of the levy of such cesses and of such *salami*, without waiting for the results of the promised inquiry?

(*b*) Will the Hon'ble the Member be pleased to state whether any *abwabs*, other than those admitted by him in his reply to my question No. 153 of the 1st April last are realised by the Court of Wards?

(*c*) Will the Hon'ble the Member be pleased to state whether any of the following *abwabs*—and, if so, which—are realized by the Court of Wards from the tenants of the Dacca Nawab Family Estates:—*punnya nazar*, sometimes called *dasti nazar* and *punnya* costs, and *pedkan*?

(*d*) Has the general inquiry promised by the Hon'ble the Member in his reply to my question No. XXXII of the 4th July been completed?

(*e*) If so, will the Hon'ble the Member place the result of the inquiry on the table? If not, when will the inquiry be completed?

(*f*) With reference to answer (*c*) to my question No. 153 of the 1st April last, will the Hon'ble the Member be pleased to state whether it is a fact that regular accounts of *abwab* collection of all kinds are kept in the various *cutcheries* of the Dacca Nawab Family Estates and that returns and statements of such collections are regularly submitted to the manager at Dacca?

(*g*) If the answer to (*f*) be in the affirmative, will the Hon'ble the Member be pleased to state the actual total collection of *abwabs* of different kinds in 1326 and 1327 B.S.?

(*h*) Will the Hon'ble the Member be pleased to state whether it is a fact that when Mr. Hopkyns was the Collector of Mymensingh, he, after inspection of a Circle of the above Estates, directed that the *abwab* collection be stopped?

(*i*) If so, why has not Mr. Hopkyns' direction been carried out?

(*j*) Will the Hon'ble the Member be pleased to state whether under Government rules the permission of the local government is necessary for the re-employment of a dismissed government servant; and, if so, whether the above rule applies to the case of employees under the Court of Wards?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The inquiry is complete and the Board of Revenue will issue orders.

(*b*) In some estates *nazar* or *salami* is taken for permission to dig tanks. The names used for other *abwabs* vary, but these are, generally speaking, covered by the answer given to question No. 153 of the 1st April.

(*c*) No *punnya nazar* nor *punnya* costs nor *pedkan* is realised by the Court of Wards from the tenants of the estate. The estate grants a certain sum to meet the costs of *punnya* and it is reported that tenants also in some *cutcheries* contribute towards the costs of entertainments and amusements which are attended by the tenantry.

(*d*) Yes.

(*e*) The result of the inquiry has been placed on the Library table.

(*f*) There are no authorised registers and if any are kept with regard to realisation of *tahari*, they are kept by the staff. It has not been customary to receive any account of the total *tahari* realised, but recently a report has been received of what has been the average *tahari* received by each of the *amlas*.

(*g*) From the reply to (*f*) above, it will be seen that it is not possible to give the actual total.

(*h*) and (*i*) Mr. Hopkyns, when inspecting the Joanshahi Circle of the Nawab Estate on 12th February, 1919, recorded the following note:—"The salaries paid to Tahsildars in this Circle are very low, being only Rs. 5 to Rs. 10. *Tahari* is collected which is illegal and should be stopped." It appears that the matter was discussed by the present Collector of Mymensingh at a conference with the Commissioner of the Dacca Division in January, 1921, but no final order was passed.

(*j*) Rule 74 of the Board's Miscellaneous Rules forbids the re-employment under Government of a dismissed officer without the

sanction of the local government. The rule does not apply to employment in appointments at the disposal of the Court of Wards.

Inroads of the Dhaleswary river near Manikganj.

34. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether it is a fact that Rai Sailendra Nath Banerjee Bahadur, Executive Engineer, has submitted a note drawing attention to the inroads made by the river Dhaleswary in its northern bank near Manikganj, and to the possibility of the river short-circuiting itself by meeting the river Kaliganga *viâ* the Jamsha *bil*?

(*b*) If so, will the Hon'ble the Member be pleased to lay on the table a statement showing the purport of the said note, and the remedial measures suggested therein.

(*c*) What action, if any, are the Government contemplating taking in the matter?

(*d*) Is the Hon'ble the Member aware that damage is being caused annually to the agricultural crops in the Jamsha Union and Baldhara Union, by the rush of water over these areas from the river Dhaleswary in its attempt to establish the short circuit referred to in (*a*)?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Yes.

(*b*) As the note is under the consideration of Government it is regretted that the request cannot be complied with.

(*c*) The question does not arise.

(*d*) Yes. This is an ordinary case of diluvion and alluvion in respect of private lands. In the absence of exceptional circumstances, which do not appear to exist in this case, it is not the policy of Government to spend public money in attempts to regulate the diluvial and alluvial action of rivers which flow through or beside private lands.

Mymensingh medical school.

35. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing, in detail, the estimated expenditure, capital and recurring, for the proposed medical school at Mymensingh?

The Hon'ble Sir SURENDRA NATH BANERJEA: The capital and recurring expenditure of the proposed Mymensingh Medical School was roughly estimated at Rs 5,10,000 (including the cost of land) and Rs 50,000 a year respectively. No detailed estimate has

yet been prepared. Proposals, which are now under the consideration of the Medical Schools Committee for reducing the initial cost by adopting a cheaper type of building, have been made by Dr. Suhrawardy.

Eradication of the water-hyacinth.

36. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state what effect has been given to the resolution adopted at a meeting of the Council held on the 22nd February, 1921, asking for the formation of a committee of scientific experts for the eradication of the water-hyacinth?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: The member is referred to the answer given to the unstarred question No. 49 at the meeting of the Legislative Council held on the 4th July, 1921.

Settlement operations at Bogra and Pabna.

37. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state in what parts of Bogra and Pabna it is proposed to take up survey and settlement operations?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The total area of the two districts is 3,196 square miles. Records-of-rights have been prepared for 419 square miles as part of the *diara* area of the districts of Rajshahi, Mymensingh and Faridpur. Two-thirds of the remainder have been taken up in the field seasons of 1920-21 and 1921-22. In the year 1922-23 the remaining thanas will be taken up. They lie around Serajganj from Shariakandi on the north to Ullapara on the south.

Appointment of District Inspectors of Schools.

38. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state when the scheme for providing each district with an Inspector of Schools in the Bengal Provincial Educational Service comes into operation?

(*b*) What proportion of such appointments will be given to the Muhammadans?

(*c*) What will be the position of the existing District Deputy Inspectors of Schools?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) Government are not in a position to make a definite announcement. It is hoped to give partial effect to the scheme in connection with the reorganisation of the services below the Bengal Educational Service by promoting certain District Deputy Inspectors to the Bengal Educational Service.

(*b*) No previously-determined proportion will be allocated to Muhammadans. Selection will be based on seniority and good work.

(*c*) Details are not yet settled.

Peons for the Sub-Inspector of Schools.

39. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware of the fact that the sub-inspectors in the Postal, Excise and other departments, except the Department of Education, are provided with peons?

(*b*) If so, are the Government considering the desirability of providing a sub-inspector of schools with peons?

The Hon'ble Mr. P. C. MITTER: (*a*) The Minister is aware that sub-inspectors in some departments are provided with peons, but has not information about all departments. Sub-inspectors in the Education Department are not provided with peons.

(*b*) The answer is in the negative.

Non-co-operation meetings.

40. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Political Department be pleased to state--

(*i*) in how many of the 4,265 meetings held between the beginning of June and the middle of November speeches violently abusing the Government were delivered;

(*ii*) the names of the speakers who delivered such speeches and the dates and places of such meetings;

(*iii*) in how many of the 4,265 meetings non-violence as the fundamental adjunct of non-co-operation was preached; and

(*iv*) how many speakers have been tried since last June for offences under section 124A of the Indian Penal Code?

MEMBER in charge of POLITICAL DEPARTMENT: (the Hon'ble Sir Henry Wheeler): (*i*), (*ii*) and (*iii*) It is impossible to answer these questions without a detailed analysis of the speeches of which full reports are only available in certain cases.

(*iv*) Eighteen.

Alleged arrests for wearing Gandhi cap or of Khaddar."

41. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether it is a fact that persons have been arrested simply because of wearing what is known as the Gandhi cap, or for dressing themselves in, or selling, *khaddar?*

(*b*) Is it a fact that Mr. K. C. Dass of No. 1, Anthony Bagan Lane, has sworn an affidavit in the southern division Police Court to the effect that he was arrested inside a Swadeshi store in Harrison Road merely for wearing *khaddar* clothes?

The Hon'ble Sir HENRY WHEELER: (*a*) So far as Government are aware it is not the fact.

(*b*) Yes.

Jamuna bunds.

42. Rai HARENDRANATH CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to refer to my unstarred question No. 37 (regarding Jamuna Bunds) for the meeting of the 21st November last, and to state the result of inquiries made and give a full reply thereto?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Owing to the paucity of staff it has not been possible to take up the inquiries as yet. The matter will be looked into as soon as it can be arranged.

Rai HARENDRANATH CHAUDHURI: Will the Hon'ble Member be pleased to answer whether it will be possible to finish the inquiry before the end of the current year.

The Hon'ble MAHARAJADHIRAJA BAHADUR of BURDWAN: I am afraid I cannot give any guarantee at the present moment.

Prisoners at the Kidderpore Dock Jail.

43. Mr. AJOY CHUNDER DUTT: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether or not the prisoners, removed to the Kidderpore Dock Jail, were inconvenienced by reason of the lack of proper accommodation, proper dieting arrangements and a sufficient quantity of warm blankets?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state why these prisoners were removed to the Kidderpore Dock Jail before proper arrangements had been made in these respects?

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Abd-ur-Rahim): (*a*) As the arrangements in the temporary jail were less complete than the arrangements in permanent jails, it is true that they were less convenient than are the arrangements at the Presidency Jail in normal circumstances.

(*b*) Owing to overcrowding in the Presidency Jail, it was necessary to transfer prisoners without delay. The arrangements were the best that could be made in the emergency and would have been adequate but for the disorderly behaviour of the prisoners.

Copyists and typists of courts.

44. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether any steps have been taken to give effect to the resolution adopted by this Council in its August-September session about pay, pension, etc., of the typists and copyists of the civil, criminal and revenue courts in the Presidency of Bengal?

(*b*) Are the Government contemplating giving effect to this resolution at an early date?

(*b*) If so, is it in the contemplation of Government to make an allotment for the purpose in the next year's budget?

The Hon'ble Sir ABD-UR-RAHIM: (*a*), (*b*) and (*c*) Government, though, as already stated in the statement hung up on the notice board in the lobby, unable to make any promise to carry out the terms of the resolution, are still considering whether anything more can be done to improve the prospects of the copyists.

Allocation of 40 per cent. of the total Provincial Revenues to the Transferred Department.

45. Babu SURENDRA NATH MALLIK: (*a*) Will the Hon'ble the Member in charge of the Department of Finance be pleased to state what effect, if any, the Government contemplate giving to the resolution passed by the Council at its November sessions regarding the allocation of 40 per cent. of the total Provincial Revenues to the Transferred Departments excluding the amount allocated to the Public Works Department for the requirements of the Reserved Departments?

(*b*) Will the Hon'ble the Member be pleased to state the estimated gross Provincial Revenue and the estimated total provincial expenditure on the basis of which the next year's budget is being framed?

(*c*) Will the Hon'ble the Member be pleased to state what was the estimated amount of total Provincial Revenue and the estimated total amount of provincial expenditure as per budget for the year 1921-22,

and what amount of the previous year's surplus was included in the receipt side in the budget for the year 1921-22?

(*d*) Will the Government be pleased to state whether there is any surplus expected from this year's budget to be added to the receipt side of the budget for the year 1922-23?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. Kerr): (*a*) For the reasons given by the Member in charge of the Finance Department in his speech on the resolution, Government are unable to give effect to it.

(*b*) As the budget is still under preparation, the figures asked for are not yet available.

(*c*) Estimated receipts, Rs. 10,47,95,000; estimated expenditure, Rs. 12,59,61,000. The opening balance on the 31st March, 1921, is not included in the " receipt " figures. It amounted to Rs. 3,36,79,000, and a portion of it will be utilised in meeting the deficiency between revenue and expenditure.

(*d*) The revised estimate for this year has not yet been framed, but no surplus is expected. It is impossible at the present stage to estimate what the closing balance will be on the 31st March.

Babu SURENDRA NATH MALLIK: Is any surplus of revenue expected this year?

The Hon'ble Mr. KERR: No surplus is expected. By surplus I understand an excess of revenue over expenditure. That is certainly not to be expected.

Loans for agricultural improvements.

46. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether it is a fact that applications made for loans for agricultural improvements are seldom taken notice of by the district authorities?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing—

(*i*) the number of loan applications made for agricultural improvements in each district of Bengal; and

(*ii*) the number of applications granted together with the amount of loans given to applicants in each district of Bengal;

during the last five years?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Government have no reason to believe that Collectors

do not take notice of applications for loans under the Land Improvement Loans Act. Such applications are few compared with applications under the Agriculturists' Loans Act, but such applications when received are certainly considered.

(*b*) (*i*) and (*ii*) In the circumstances stated above, Government do not consider that the labour involved in collecting figures about applications during the last five years would be justified. The annual Land Revenue Administration Reports contain some information on the question.

Weaving expert.

47. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state in detail the quantity of actual work done by the weaving expert under the Director of Industries, Bengal, for the revival of the hand-spinning of cotton and the number of improved *charkas* introduced by him as well as the number of demonstrations of manipulatory processes given amongst the spinners

(*b*) Will the Hon'ble the Minister be pleased to state whether he contemplates increasing the number of weaving experts for practical work in rural areas?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) The member is referred to paragraph 25 of the Report of the Department of Industries, Bengal, for the year ending 31st December, 1920, and paragraph 4 of Resolution No. 4940 Ind., dated the 15th December, 1921, recorded by Government thereon, copies of which are laid on the Library table.

(*b*) No.

Control of the Sibpur and the Dacca Engineering Colleges.

48. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether the transfer of control of the Bengal Civil Engineering College at Sibpur, and the Assanulla College of Engineering at Dacca, is contemplated?

The Hon'ble Mr. P. C. MITTER: The future control of the institutions is under consideration, but it is not possible to make any statement of intention at present.

Téchnical school at Calcutta.

49. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and

Industries be pleased to lay on the table a statement showing the scheme, with full details, which has been prepared for opening a Technical School at Calcutta, with a list of the gentlemen and experts who were consulted in the preparation of the scheme?

(*b*) Has final sanction been given to the scheme?

(*c*) If not, will the Hon'ble the Minister be pleased to state whether he contemplates inviting public and expert opinion on the matter before finally sanctioning the scheme for the proposed Technical School?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) A copy of the Report of the Committee appointed at a conference held at Government House to advise on the establishment of a Technical School in Calcutta is laid on the Library table. The Report contains the names of the gentlemen who served on the Committee.

(*b*) Yes.

(*c*) The question does not arise.

Training in mining.

50. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table the scheme which the Government of Bengal have decided to proceed with for the training of young men in mining?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: The Government of Bengal have decided to proceed with the scheme for a three years' course outlined by the McPherson Committee, a copy of whose report is placed on the Library table.

Grant of a sum to the Calcutta University.

51. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether it is a fact that the Government of Bengal have granted or proposed to grant Rs. 3 lakhs or any sum to the Calcutta University during the present year?

(*b*) Will the Hon'ble the Minister be pleased to state the exact amount, and the fund from which the said sum has been or will be granted to the University?

The Hon'ble Mr. P. C. MITTER: (*a*) and (*b*) No such grant has been made or proposed, the Government of Bengal have made budget

provision for the following ordinary grants to the University during the present financial year:—

	Rs.
Salary of two University Professors ...	24,000
Maintenance of Science College	12,000
Salary of University Readers	4,000
Maintenance of Law College	10,000
Salary of University Lecturers	15,000
Grant towards expenses of administration, etc., and of the maintenance of the Law College ...	50,000
Salary of Minto Professor of Economics ...	13,000
Contribution towards the Calcutta Mess Scheme	13,000
Contribution towards expenses of the Postgraduate Department	17,000
Total ...	1,58,000

The University authorities have approached Government for an additional grant, but it has not yet been possible to consider the application, and the University has been requested to address Government again at the end of this month.

Establishment of a State Faculty of Examiners for Homeopathic, Ayurvedic and Unani institutions.

52. Babu HEM CHANDRA NASKER: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what effect has been given to the assurances given by the Hon'ble the Minister in the matter of a resolution moved in the sitting of this Council in August last to establish a State Faculty of Examiners to control the existing institutions of Homeopathy, Ayurvedi and Unani?

The Hon'ble Sir SURENDRA NATH BANERJEA: Ayurvedic and Unani Committees are still sitting; they have been requested to state in their report their views on the proposal contained in the question.

Decline of toll fees in the river Bhagirathi.

53. Babu SURENDRA NARAYAN SINHA: In view of the answer given by the Hon'ble the Maharajadhiraja Bahadur of Burdwan, in reply to my question No. 29, at the meeting of the Council on the 4th July, 1921, regarding the decline of toll fees in the river Bhagirathi,

will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether the Government are considering the desirability of reducing the establishment of the collecting staff of the toll commensurate with the decline in the revenue or of abolishing the establishment altogether at Jangipur in the district of Murshidabad?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: The question is now under the consideration of Government.

Kidderpore Dock Jail.

54. Babu INDU BHUSHAN DUTTA: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) what is the floor space (in square feet) in the two rooms that are being used as jails in the Kidderpore Docks;

(*ii*) how many convicts and undertrial prisoners were kept there during the first four days of use of the rooms as jails;

(*iii*) were the convicts kept separate from the under-trial prisoners;

(*iv*) if they were not kept separate, will the Hon'ble the Member be pleased to state the reasons therefor;

(*v*) is there any truth in the rumour that some under-trial prisoners were asked to cook during the first four days;

(*vi*) is it a fact that the floors of these two rooms are damp and unhealthy;

(*vii*) is it a fact that both the rooms contain a large number of racks which occupy the greater portion of the floor space, leaving only a small space for the use of the prisoners;

(*viii*) is it a fact that in one room, there are only 10 shelves, which can provide sleeping accommodation for only 300 people; and

(*ix*) is it a fact that people who take food from outside for undertrial prisoners find it very difficult and sometimes impossible to have the food taken in?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) (*i*) There are three wards in the main building and two wards in another building used as hospital and segregation wards, all of which were used for the accommodation of prisoners on the first four days that this jail was opened.

The floor space in square feet of the three wards in the main building is 19,574. In addition to this there is sleeping accommodation on the racks for 610 prisoners allowing fairly easy accommodation.

The floor space shown only refers to space not occupied by racks, machinery, etc.

The floor space of the two smaller wards in the other building is 1,650 and 1,420 square feet.

(*ii*) The largest number was 1,339.

(*iii*) No.

(*iv*) In the beginning it was not easy to distinguish convicts from under-trials, partly owing to the large number of admissions, and partly owing to the refusal of prisoners to give their names. The under-trial prisoners are now fewer, and they are kept separate.

(*v*) Endeavours were made to get prisoners, whether convict or under-trial, to help in the cooking; the cooking was done fairly satisfactorily on the first two days; on the 25th the prisoners were by some means informed that special food would be brought from outside and they refused to cook on the 26th.

(*vi*) No.

(*vii*) and (*viii*) The answer to (*i*) may be seen.

(*ix*) No, unless unsuitable food is brought. One European warder and one Indian warder are now posted at the outer gate to help people bringing food and clothing for under-trial prisoners and coming for interviews.

Kidderpore Dock Jail.

55. Rai RADHA CHARAN PAL Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state—

(*i*) whether it is a fact that the prisoners in the Kidderpore Dock temporary jail had to go practically without any food or drink for days together before food was allowed to be supplied from outside on the 26th December, 1921, last;

(*ii*) whether it is a fact that only in some cases relatives and friends, who could produce introductory letters from Magistrates and officials to the jail superintendent of the Dock Jail, were allowed to interview prisoners for a few days only, while ordinary applicants for interview were refused summarily;

(*iii*) whether it is a fact that as a general rule in the Dock Jail under-trial prisoners are not allowed to see their friends and relatives;

(*iv*) whether it is a fact that prisoners are not provided with proper clothing and bedding, nor are they allowed to have them from outside, besides being debarred from writing letters to or receiving them from friends and relatives;

(*v*) whether it is a fact that no food from outside is allowed in the said Dock Jail; and

(*vi*) whether it is a fact that the treatment of political prisoners in Kidderpore Dock Jail is widely different from that obtaining in the Presidency Jail?

(*b*) If the answers to the above clauses are in the affirmative, will the Hon'ble the Member be pleased to state the reasons therefor?

The Hon'ble Sir ABD-UR-RAHIM: (*i*) and (*v*) No. The member is referred to the replies given to clauses (*a*) (*v*) and (*ix*) of unstarred question No. 54 put at this meeting by Babu Indu Bhushan Dutta.

(*ii*) There was some difficulty for the first few days in granting interviews. Since then an European warder and an Indian warder have been detailed to accompany people for interviews daily from 10 A.M. to 4 P.M. Under the rules, convicted prisoners, if well conducted, are allowed interviews once in three months, and under-trial prisoners are to be given reasonable facilities for interviewing and communicating with relatives, friends and legal advisers.

(*iii*) No.

(*iv*) No. Every prisoner was given one blanket, and a second blanket was issued as soon as a further supply was available. Gunny matting has also been supplied. No clothing has ever been prevented from being brought in. Prisoners are allowed to write and receive letters according to the rules of the Jail Code.

(*v*) See (*i*).

(*vi*) The temporary jail is of course less well adapted for the detention of prisoners than the Presidency Jail, but the treatment is not widely different.

(*b*) This does not arise.

Kidderpore Dock Jail.

56. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Jails) be pleased to state whether it is a fact that a large number of prisoners were kept confined in the Kidderpore Dock Jail during the last week of December?

(*b*) Have the Government made any inquiry as to whether the number so confined was much beyond the capacity of the rooms to hold them? If so, what was the result of the inquiry?

(*c*) Is it a fact that they had to go without food for some days such as the 23rd, 24th and 25th of December?

(*d*) Is it a fact that they had no cooked food for days together?

(*e*) Is it a fact that no adequate hospital arrangement was made for the treatment of diseased prisoners?

(*f*) Is it a fact that many of them were not given any blankets either to cover up or lie down upon?

(*g*) If the answer to (*a*) or (*b*) or (*c*) or (*d*) or (*f*) is in the affirmative, will the Hon'ble the Member be pleased to state what steps the Government have taken or propose to take to prevent such treatment or to mitigate such hardship?

The Hon'ble Sir ABD-UR-RAHIM: (*a*), (*b*) and (*d*) The member is referred to the replies given to clauses (*a*) (*i*), (*ii*) and (*v*) of unstarred question No. 54 put at this meeting by Babu Indu Bhushan Dutta.

(*c*) No.

(*e*) No. A room in a separate building was set aside for sick prisoners, under the charge of a medical officer. Only slight cases are treated here, others being transferred to the hospitals in the Presidency or Alipore Jail. The number so transferred is 2.

(*f*) The member is referred to the reply given to clause (*iv*) of unstarred question No. 55 put at this meeting by Rai Radha Charan Pal Bahadur.

(*g*) The arrangements have been steadily improved in all respects in which this was necessary.

Baraset-Basirhat Light Railway.

57. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether the Senior Government Inspector of Railways, Circle No. 2, Calcutta, has made the inquiry and submitted his report contemplated in answer to my unstarred question No. 81 for the meeting of the 21st November last?

(*b*) If so, will the Hon'ble the Minister be pleased to lay a copy of it on the table?

(*c*) If the inquiry has not yet been made or finished, is the Hon'ble the Minister considering the desirability of directing the inquiry to be made in the presence of some representatives of those who made the petition referred to in the answer to the said question?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) and (*b*) The Senior Government Inspector of Railways, Circle No. 2, Calcutta, has not yet submitted his report. He expects to do so after his annual inspection of the line during the cold weather.

(*c*) The Government Inspector is not an officer of this Government; he is directly under the orders of the Government of India. It is being suggested to the Government Inspector that he should inform the District Officer of the date of his inquiry, and invite him to arrange for one or more leading representatives of the petitioners to place their grievances before him.

Projected railways in Dacca Division.

58. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state—

(*i*) what schemes of extension of railways in the Dacca Division have been recommended by the Local Government; and

(*ii*) what action has been taken on the report of the committee which was appointed to investigate into the question of construction of a railway line between Dacca and Aricha?

(*b*) Are the Government contemplating publishing the report referred to in (*ii*) above?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) (*i*) The following railway projects in the Dacca Division have been recommended by the Local Government to the Government of India for inclusion in the programme of railway construction for the year 1922-23:—

I. Mymensingh-Tangail-Porabari or Elashin with a branch to Singhjani

or

Mymensingh to a point on the Jamuna River opposite Serajganj

and

II. A line between Jamalpur and Tangail

or

Tangi-Gopalpur-Jamalpur Railway.

(*ii*) The report, which is in the press, has not yet been examined by Government. It is proposed when submitting the report to the Government of India to ask the Railway Board to consider the advisability of early construction of this railway.

(*b*) Government will consider this point when the report has been examined.

Opium Range at No. 14, Strand Road, Calcutta.

59. Rai Dr. HARIDHAN DUTT Bahadur: Will the Hon'ble the Member in charge of the Department of Finance be pleased to state—

(*i*) how much space is lying vacant at present in the new Opium Range at No. 14, Strand Road, Calcutta;

(*ii*) whether the building belongs to the Government of India or has been transferred to the Government of Bengal;

(*iii*) how far has the proposal for the utilisation of the vacant space available in the Opium Range as a Forms Godown matured;

(*iv*) whether the vacant space available in the Opium Range can be secured for the purpose of holding the newly created "Traffic Court";

(*v*) whether, in the event of the vacant space lying in the Opium Range not being available for the purpose of the "Traffic Court," the portion of the "Sailors' Home" which has been leased out to Messrs. Cox's Shipping Agency, can be secured for the purpose of the said "Traffic Court"; and

(*vi*) when and for what period and on what terms the Committee of the "Sailors' Home" have given the lease of a portion of the "Sailors' Home" to Messrs. Cox's Shipping Agency?

The Hon'ble Mr. KERR: (*i*) and (*iii*) The Government of India recently inquired what portion of the Opium Range could be placed at the disposal of the Forms Department, and the Local Government have replied that by economising space and making certain structural alterations in the building, which contains approximately 50,000 square feet of floor surface, the eastern portion of the building containing approximately 16,000 square feet could be made available as a Forms Godown. The final orders of the Government of India have not yet been received.

(*ii*) The building belongs to the Government of India.

(*iv*) Not, if it is required by the Government of India for a Forms Godown.

(*v*) No, Government have no control over the funds or management of the "Sailors' Home."

(*vi*) The trustees of the "Home" gave to Messrs. Cox's Shipping Agency in January, 1913, a lease of part of the building for ten years, on payment of rent, with the option of renewal on terms to be mutually arranged.

Whipping in Faridpur Jail.

60. Maulvi A. K. FAZL-UL HAQ: (*a*) Will the Hon'ble the Member in charge of the Judicial Department be pleased to state whether it is a fact that respectable gentlemen have been flogged in Faridpur Jail?

(*b*) If so, will the Hon'ble the Member be pleased to state the reasons for such action on the part of the authorities?

The Hon'ble Sir ABD-UR-RAHIM: (*a*) The two prisoners who were flogged were Panchanan Chakravarti and Surendra Nath Sinha; the latter is the Headmaster of Kendua National School.

(*b*) The reasons for the infliction of these punishments by the District Magistrate were stated in the *communiqué* published on the 3rd January, 1922.

Dr. JATINDRA NATH MOITRA: May I know who supplied the data for the *communiqué?*

The Hon'ble Sir ABD-UR-RAHIM: Reports have been received from the District Magistrate and the officiating Superintendent of Police. There has been no further inquiry.

Dr. JATINDRA NATH MOITRA: It was against them that my report was based. Is it right for Government to accept their views in preference to mine?

The Hon'ble Sir ABD-UR-RAHIM: That is asking for an expression of opinion.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I disallow that question.

Dredging of rivers of Dacca Division.

61. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what dredging operations are now in progress in the rivers in the Dacca Division?

(*b*) What works of river improvement have been undertaken therein during the last twelve months?

(*c*) What progress has been made in the Madaripur Bhil Route?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The only dredging work in contemplation is the dredging of the Postgola shoal in the Buriganga river. The current year's revised grant for the work is Rs. 3,000. The dredging will be done later during the year if possible.

(*b*) General bandalling and river training is being done in the Dhaleswari and Buriganga. The expenditure up to date this season is Rs. 20,000.

(*c*) About 45 per cent. of the work of widening and deepening the Madaripur Bhil Route is finished.

Platforms on certain lines of East Indian Railway.

62. Babu SATISH CHANDRA MUKHARJI: (*a*) Is the Hon'ble the Minister in charge of the Department of Public Works aware that great inconvenience is felt by passengers on the Bandel-Barharwa line and Howrah-Burdwan Chord line owing to the absence of raised platforms at the stations on the said lines?

(*b*) If so, are the Government considering the desirability of asking the East Indian Railway Company to provide raised platforms at those stations or at least in principal stations and junction stations?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) The fact that raised platforms have not yet been constructed at some stations has been brought to the notice of Government.

(*b*) The East Indian Railway authorities will be invited to consider the provision of these conveniences.

Rivers Betna and Kapodak in Khulna.

63. Babu HEM CHANDRA NASKER: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware that the mouths of the rivers Betna and Kapodak in the district of Khulna have silted up?

(*b*) Is the Hon'ble the Member also aware that owing to this silting up of the rivers, "fresh water" cannot flow from the north to counteract the salt water coming from the Bay of Bengal?

(*c*) Is the Hon'ble the Member aware that this overflow of salt water is one of the causes of famine occurring in this part of the Khulna district?

(*d*) What steps are the Government proposing to take to stop the evil effect of the salt water and prevent the recurrence of famine in those parts?

(*e*) Are the Government considering the desirability of dredging the silted up portions of the Kapodak and Betna rivers?

(*f*) If so, when is the work likely to be taken up?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Yes.

(*b*) Silting is of very old standing and there has not been much flow of fresh water down those rivers to counteract the salt water flowing up from the Bay of Bengal for many years.

(*c*) Yes.

(*d*) A special officer has already been deputed to inquire and report what is needed for the proper repair of all existing bunds and the further protection of the affected area from salt water. Special attention is being given to this question during the cadastral survey and kanungoes are collecting information to provide data for schemes for protective works.

(*e*) The question of improving the mouth of the Kapodak is under investigation; nothing more can be said at this stage until these investigations are completed.

(*f*) After completion of investigations and as soon as the project is sanctioned it will be included in the then budget for sanction.

Bhairab river.

64. Babu NALINI NATH ROY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether by excavating the river Mathavanga, connection can be made between the rivers Bhairab and Padma, and whether the condition of the river Bhairab south of the district of Khulna, and a part of Jessore can thereby be improved?

(*b*) If not, what action are the Government taking to improve the condition of the river Bhairab?

(*c*) Are the Government in a position to say by what time the river Bhairab will be improved in condition?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The excavation of the Mathavanga will not improve the Bhairab in the districts of Jessore and Khulna.

(*b*) Government propose to improve the Bhairab by making a connecting channel to tap water from the Nabaganga west of Jhenidah to flush the river.

(*c*) The time taken to complete the works will depend on whether funds are available; if available, it will take about three years after work is commenced.

Bhagirathi river.

65. Raja MANILOLL SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to make a full statement showing what action has actually been taken during the last 10 years to improve the flow of the river Bhagirathi (Hooghly).

(*b*) Is the Hon'ble the Member aware of the fact that the flow of the river has been decreasing every year?

(*c*) Is the Hon'ble the Member aware that when the river is at its lowest ebb every year; cholera and other virulent diseases break out, affecting the people living on the banks of the river, notably at Katwa, Nawadip, Kalna and Santipur?

(*d*) Have the Government before them any scheme for the immediate improvement of the flow of the river? If so, what is that scheme?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) Up to the year 1908-09, operations, known locally as "bandalling," *i.e.*, training a stream, were in vogue annually after each flood season to improve the flow of water down the Bhagirathi at its offtake.

The question then arose of improving the supply of water at Azimgunj and Jeagunge and it was decided to try to improve the entrance from the Ganges by means of dredging.

Dredgers were hired from the India General Steam Navigation and Railway Company for this purpose and the bed of the river for a length of about two miles at the entrance was kept down by dredging and occasional scraping till the year 1916-17, when the dredgers were chartered by the Government of India for use in Mesopotamia.

Since 1917-18, Government have been obliged to revert to bandalling works to maintain a channel in the Bhagirathi suitable for navigation and other purposes. There are no dredgers at present at the disposal of the Irrigation Department to re-establish dredging operations in the Bhagirathi and until a suitable one is available for the purpose no great improvement is possible.

(*b*) Yes; the Hooghly river discharge at Satgachia just below the junction of the Mathabhanga and Bhagirathi rivers shows some decrease since the year 1914.

(*c*) This Department has no information on the subject. A reference has however been made to the Local Self-Government Department of this Government.

(*d*) The scheme known as the "Improvement of the Hooghly river and its head-waters," contemplates, amongst other matters, the improvement of the Bhagirathi river, but until Government is financially in a position to take up this work, which even if sanctioned, will take considerable time to carry out, bandalling or partial dredging operations will have to be continued to maintain some kind of a channel between the Ganges and the Bhagirathi.

Alleged assault on the son of Mr. C. R. Das.

66. Dr. HASSAN SUHRAWARDY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether it is a fact that the inquiry by the Surgeon, regarding the alleged marks of assault by the police on Chiraranjan Das, the son of Mr. C. R. Das, was conducted by the doctor without the knowledge of the patient and without his being asked to show the alleged injuries sustained by him (Das) or to make a statement to the Surgeon of the symptoms caused by the alleged assault?

(*b*) If the answer to clause (*a*) is in the affirmative, will the Hon'ble the Member be pleased to say why this procedure was adopted?

The Hon'ble Sir HENRY WHEELER: (*a*) The Surgeon carried out his inquiry while verifying the personal description of Chiraranjan Das in the admission register of the Jail. The fact that he was being examined was known to the latter, though the object of the examination was not communicated to him and he was not asked not to make any statement.

(*b*) For the purpose of the medical examination it was necessary that Chiraranjan Das should strip to the waist, and it was considered that as a non-co-operator he might refuse to do so if the object of the inquiry was made known to him. The Surgeon adopted the procedure which seemed most suited to all the circumstances of the case.

Government Bills.

The Bengal Children Bill.

The discussion on the Bengal Children Bill was resumed.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move "that after clause 29, the following shall also be inserted, namely:—

'Where it is shown to the satisfaction of a court having jurisdiction on the complaint of any person, that a girl under the age of sixteen years is being treated with cruelty by her guardian or is, with the knowledge of her parent or guardian, exposed to the risk of seduction or prostitution or living a life of prostitution, the court may adjudge her parent or guardian to enter into a recognizance to exercise due care and supervision in respect of that girl.'"

At the outset, I have to thank the Hon'ble Member in charge, Sir Abd-ur-Rahim, for having obtained the sanction of the Government of India to this section and for his sympathetic words while introducing the Bill. I was reminded of this section by the proceedings of the Young Men's Christian Association and the Anglo-Indian Association. And while speaking of these Associations, I must not forget the late Mr. W. T. Stead, whose labour and suffering for this cause led to the introduction of this provision in the English Act. I have taken this section verbatim from the English Act (8 Edw. VII, c. 67), with little alterations. Instances of cruelty in this country are too many and I do not desire to dilate on them—it is a disagreeable task. Instances of seduction, prostitution and connivance are also not rare, and I desire that I should not be obliged to mention them here. It is in the experience of everybody present here. It required great suffering and hard labour to have this section enacted in England, but I do not think that is necessary here. I believe nobody here would say that circumstances in England are different from those in India. There may be one or two men who would say that in England there is more drunkenness and more immorality than in India; I am not a man to subscribe to that vague assertion. Human nature is human nature everywhere; human flesh is human flesh everywhere. I, therefore, strongly recommend that this proviso which exists in the English statute be inserted in our statute also. Without this and amendments No. 177 and 178, the Bill will be of no use.

At this stage Mr. H. P. Duval sent over the amendment in another form to Rai Jogendra Chunder Ghose Bahadur.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I am much obliged to Mr. Duval for putting my amendment in a better form. I should like to substitute this for my amendment:—

"That after clause 29 the following shall also be inserted, namely:—

'29-III A. If it appears to a Court on the complaint of any person, that a girl under the age of sixteen years is being treated with cruelty by her parent or guardian or that such girl with the knowledge of her parent or guardian, is exposed to the risk of seduction or prostitution or living a life of prostitution, the Court may direct the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such girl.' "

I do not desire to speak much on this section. That will lead to disagreeable and bitter things. I leave it to the good sense of the Council.

The Hon'ble Sir ABD-UR-RAHIM: On behalf of Government, I do not think there is any objection to this amendment. As a matter of fact, however, the amendment moved last evening, namely 134A, substantially covers what is wanted by this amendment, excepting this—that in the case of 134A, power is taken to send a child to a school, while, by this amendment, the court will be authorised to call upon the parent or guardian to enter into a recognizance to exercise due care and supervision in respect of such child. Under 134A, the age of the child that can be so treated must be under 14. Here it includes not only children but young persons. This is the difference, and I am content to leave it to the Council to say whether they will accept the amendment or not. Government has no objection to the amendment in this form.

The motion, in its modified form, was put and agreed to.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I move "that after clause 29, the following be inserted, namely:—

'If a person habitually wanders from place to place and takes with him any child above the age of five years not related to him by blood, such child may be arrested and produced before a court authorised under this Act to make inquiries under section 28, and may, after due inquiry, if such court thinks fit, be sent to a certified school.' "

There is some objection to the wording of this new proviso. The words "if a man habitually wanders from place to place" are too comprehensive. They might include even officers who are frequently transferred. Therefore, if you will allow me to amend this, I move it, otherwise I withdraw it.

The Hon'ble Sir ABD-UR-RAHIM: If Rai Jogendra Chunder Ghose Bahadur will look at clause 21, he will find that these cases are amply covered by sub-clauses (*e*), (*f*) and (*1b*). It says: "frequents the

company of any reputed thief or prostitute; or is living in circumstances calculated to cause, encourage or favour the seduction or prostitution of the child; or is found wandering and not having any home or settled place of abode." I really do not see what are the cases that are proposed to be dealt with by this amendment, which cannot be effectively dealt with under section 28.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to withdraw this amendment.

The motion was then, by leave of the Council, withdrawn.

Clause 30.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 30 stand part of the Bill.

The following motion standing in the name of Babu Kishori Mohan Chaudhuri, being consequential, failed:—

That in clause 30(1), for the words 'prescribed manner' the words 'manner prescribed' be substituted."

Babu KISHORI MOHAN CHAUDHURI: I beg leave to withdraw my next amendment.

It was as follows:—

"That in clause 30(2), line 5, for the words 'the evidence, if any' the words 'all the evidence adduced, if any is adduced,' be substituted."

Babu SURENDRA NATH MALLIK: I move "that after the words 'his putative father' in clause 30(3), line 4, the following be inserted, namely:—

'against whom an order under section 488 of the Code of Criminal Procedure, 1898, has already been passed, or who has been otherwise declared to be the putative father by any competent Court or authority.'"

I am somewhat lucky again that Government are going to accept my amendment. They accepted one yesterday and are going to accept another to-day. This is the first occasion in my life that Government has accepted one of my motions. The idea is this. There are people who might take advantage of the situation and try to throw dirt on a respectable man by suggesting that so and so is the reputed father of a certain child. To my mind the court or the class of persons who are to preside over these courts ought not to be called upon to go into this question. The desirability of an untainted atmosphere for a decision of a question regarding the welfare of children is apparent. Therefore, I think that only in such cases where a man is known to be a putative father or against whom an order under section 488 of the Criminal Procedure Code has been passed, or who has been otherwise declared to be so by a Magistrate or any other authority, that such a person might be

called upon to pay for the maintenance of the child. The juvenile court ought not to be the court to find out who the real father is; that would be highly improper. My idea is that the whole of the Act would be absolutely useless unless special care is taken by Government in appointing these Magistrates. If these Magistrates are appointed in the same way as honorary magistrates are appointed—in many cases on the recommendation of police officer—the usefulness of the Act will come to an end. If, on the contrary, such men of proved character and public service as Rai Radha Charan Pal Bahadur and Rai Dr. Haridhan Dutt Bahadur (I mean those who have done this work and who have laboured hard in the interests of the public) are appointed, we might hope for excellent results. Here is my friend (pointing to Mr. Stark) who will also be a very satisfactory Magistrate. I go further and say, that so far as the boys are concerned, we might have the reputed headmasters of our schools in Calcutta, people who know the children, understand them and know their language. For girls, we might have the Head Mistress of the Bethune College as Magistrate.

The Hon'ble Sir ABD-UR-RAHIM: I rise to a point of order. It is a very interesting discussion no doubt, but I think it is irrelevant.

Babu SURENDRA NATH MALLIK: I am very sorry that the Hon'ble Member failed to appreciate the relevancy of my suggestions. The reason why this should be done is this. They are the people who ought not to be called upon to decide the question as to who is the father of the child. The relevancy of this cannot be questioned. Whether the Hon'ble Member appreciates it or not, that is a different matter. But as I understand that Government are going to accept my amendment, I will not take up further the time of the Council.

The Hon'ble Sir ABD-UR-RAHIM: I accept the amendment and Babu Surendra Nath Mallik has been told so.

The motion was then put and agreed to.

Babu **AMULYA DHONE ADDY:** I move "that at the end of clause 30, the following be added, namely:—

'(5) The income accruing from the work of any youthful offender or child in a reformatory or industrial school shall be kept in deposit in the name of such person and the whole sum thus credited or a portion thereof shall be made over to him at the time of his release.' "

It appears that the Bengal National Chamber of Commerce made this suggestion for the consideration of the Select Committee, but, unfortunately, they have not accepted it. The Bengal National Chamber of Commerce said that it was found in the Jail Report of 1920, that the income per head of juvenile offender was Rs. 900, and the expenditure, Rs. 200 annually. They are of opinion that this profit of Rs. 700 should not be appropriated by Government but should be made over to the offender to enable him to make a start in life and

prove a useful and honest member of society. They also suggested that the whole of this income should be made over to the juvenile offender at the time of his release, but what I suggest is very moderate. I suggest that if not the whole, a certain portion of this income should be made over to him at the time of his release. The object is only to encourage industrial education. If this income is made over to the juvenile offender, it will create an interest in his work, and I fail to understand why a certain portion of this income should not be made over to him at the time of his release.

With these remarks, I commend my amendment to the acceptance of the Council.

The Hon'ble Sir ABD-UR-RAHIM: We consider the suggestion to be a sound one and I think that it would be carried out if we embodied it in the rules. I therefore suggest that to section 42 (2) (*j*), we add a proviso. It will then run thus: "for the education and industrial training of the inmates of reformatory and industrial schools provided that the income accruing from the work of any youthful offender or child in a reformatory or industrial school shall be kept in deposit in the name of such person and a portion of the proceeds of that work shall be made over to him at the time of his release." I think that will satisfy the object which Babu Amulya Dhone Addy has in view.

Babu AMULYA DHONE ADDY: I am glad that my suggestion has been accepted.

The DEPUTY-PRESIDENT: The motion proposed by Government will be put when the time comes. The present motion is deemed to be withdrawn.

The DEPUTY-PRESIDENT: The question before the House is that clause 30, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 31.

THE DEPUTY-PRESIDENT: The question I now have to put is that clause 31 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 31, after the word 'consent' in the two places where it occurs, the words 'in writing' be inserted."

I think there will be no objection, and Government will accept it.

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMENT (Mr. H. P. Duval): I do not think this is very material, but I may say that Government have no objection to make the addition which the member proposes. We are willing to accept the amendment.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question before the House is that clause 31, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 32.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 32 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 32 (*1*) line 3, after the word 'consent' the word 'in writing' be inserted."

This amendment is the same as the one which has been accepted.

Mr. H. P. DUVAL: I am prepared to accept this amendment also.

The motion was then put and agreed to.

DEPUTY SECRETARY to GOVERNMENT, EDUCATION DEPARTMENT (Mr. W. C. Wordsworth): I move that in clause 32 (*1*), in lines 4, 5 and 6, the words "or after the expiration of eighteen months of the period of detention, without any such consent' be omitted."

These words are found in the English Act, and were included in our Act as first drafted, and were accepted by the Select Committee. It has now appeared to Government, after further consideration, that it would be wise to omit them. For these reasons, their inclusion in the English Act is to be explained by the long experience that the framers of the English Act had. There were circumstances obtaining in England which scarcely obtain in India. The Home Office had had 50 years experience before the date of the English Act; they knew what they had to deal with, and they knew how far—and it was very far—the managers of their schools were to be trusted, and the country had had a long experience of the boarding out of children from a variety of institutions. Further, there are in England numerous organisations and societies, which charge themselves with the care of children in these circumstances. There was thus in England sufficient reason justifying the framers of this Act excusing from further responsibility over children after 18 months' detention, either the local educational authority that committed the child to this school, or, in the case of children not committed by a local educational authority, the Secretary of State. These circumstances appear to Government scarcely to obtain in Bengal. We do not know how these schools will develop, we do not know yet what degree of competence and reliability we may find in their managers, we have little experience of the boarding out of children, nor are there sufficient institutions like the Society for the prevention of Cruelty to Children, and other societies for the care of children, to justify Government

in divesting itself of all responsibility for the further welfare of children who are boarded out. It appears to Government, that it would not be justified after 18 months' detention saying that it will not charge itself with any further interest in the welfare of children whom a school may decide to board out. The responsibility is on Government under this Act; it is known how administration of the Act will develop, and Government is of opinion that this responsibility should be exercised by Government right through the period of detention. It is, therefore, proposed to make Government party to all transactions regarding the welfare of these children, and this will be affected by making the chief inspector a party to them. This will have a further advantage that it will enable the chief inspector, on behalf of Government, to appear as a mediator between the managers of these schools and any other authorities or persons, if friction should arise, and generally it appears desirable that all these arrangements should include Government in the person of the chief inspector as a third party. I therefore propose that these words should be omitted.

The motion was then put and agreed to.

The following amendment, standing in the name of Rai Mahendra Chandra Mitra, being consequential to a previous motion failed:—

"That in clause 32, after the words 'youthful offender' wherever they occur, the words 'young person' be inserted."

The DEPUTY-PRESIDENT: The question is that clause 32, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 33.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 33 stand part of the Bill.

The following amendment, which stood in the name of Rai Mahendra Chandra Mitra Bahadur, being consequential, failed:—

"That in clause 33 (*1*) after the words 'youthful offender' in the two places where they occur, the words 'young person' be inserted."

The Hon'ble Sir ABD-UR-RAHIM: I move "that in clause 33 (*1*), after the words 'this Act' the words 'or any other law' be inserted."

I need not explain this amendment; it is obvious.

The motion was put and agreed to.

The DEPUTY-PRESIDENT: The question is that clause 33, as amended by the Council, stand part of the Bill.

The motion was then put and agreed to.

Clause 34.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 34 stand part of the Bill.

The following amendment, standing in the name of Rai Mahendra Chandra Mitra Bahadur, being consequential, failed:—

"That in clause 34 (*a*), line 2, after the words 'youthful offender' the words 'young person' be inserted."

The DEPUTY-PRESIDENT: The question is that clause 34 stand part of the Bill.

The motion was put and agreed to.

Clause 36.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 36 stand part of the Bill.

The following amendments standing in the name of Rai Mahendra Chandra Mitra Bahadur, being consequential, failed:—

"That in clause 36 (*1*), after the words 'youthful offender' the words 'young person' be inserted."

That in clause 36 (*2*) (*a*), after the words 'youthful offender' the words 'young person' be inserted."

The DEPUTY-PRESIDENT: The question is that clause 36 stand part of the Bill.

The motion was put and agreed to.

Clause 37.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 37 stand part of the Bill.

The motion was put and agreed to.

Clause 38.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 38 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 38 (*1*), line 3, for the words 'otherwise than for the purpose of giving evidence' the words 'in pursuance of any of the provisions of this Act' be substituted."

My object is that whatever is to be done, must be done under this Act. I think this amendment is necessary.

Mr. H. P. DUVAL: I cannot ask the Council to accept this amendment. It appears to me to be perfectly unnecessary, and the drafting, as it stands, is quite sufficient. The section reads: "Whenever a person, whether charged with an offence or not, is brought before any criminal court, otherwise than for the purpose of giving evidence, and it appears to the court, that he is a child or young person, the court shall make due inquiry as to the age of that person, and for that purpose shall take such evidence as may be forthcoming at the hearing of the case, and shall record a finding thereon, stating his age as nearly as may be."

That is to say, if a child is brought before the court, as an accused, the court may make an inquiry and come to a finding as to his age, except when the child comes to give evidence. The child does not come to the court in pursuance of any of the provisions of this Act.

The motion was put and lost.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 38 (*1*), line 6, after the word 'such' the words 'medical evidence as is available and such other' be inserted."

My object is that in a question of ascertaining age, medical evidence should be necessary, and, for that purpose, I say that medical evidence as well as any other evidence should be inserted. It is only with this view that I propose this amendment.

The Hon'ble Sir ABD-UR-RAHIM: I oppose this as I think it is absolutely unnecessary. The court, if it thinks it necessary, will call for medical evidence, and it is not usual in any enactments to specify any particular form of evidence. It will rather be hampering the court if you say that it shall take this evidence or that evidence. In many cases it may be absolutely unnecessary to take any evidence at all, and surely we ought not to hamper the court by specifying any particular kind of evidence. I, therefore, oppose the amendment.

Th motion was put and lost.

The following amendment, standing in the name of Babu Kishori Mohan Chaudhuri, being consequential, failed:—

"That in clause 38 (*2*), line 1, after the words 'the court' the words 'based upon such findings as to age as is referred to in sub-section (*1*)' be inserted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 38 (*2*), line 3, for the words 'stated to' the words 'found by' be substituted."

I hope this will be accepted.

Mr. H. P. DUVAL: This amendment points out a small clerical error which appears in the Bill. It should be "stated by" and not "stated to" and the word should be "stated" and not "found" as

that word is used in the first sub-clause of the clause; therefore, it should be "stated by the court." If the member will accept this alteration, I will accept his amendment.

Babu KISHORI MOHAN CHAUDHURI: I accept the alteration.

The motion, as modified, was put and agreed to.

The following amendment, standing in the name of Babu Kishori Mohan Chaudhuri, was by leave of the Council, withdrawn:—

'That in clause 38 (2) line 4, for the word 'and' the word 'but' be substituted."

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 38 (2), line 6, for the words 'for the purposes of' the words 'in any subsequent proceedings under' be substituted."

There is some confusion in the wording of my amendment; I, therefore, beg to withdraw it.

The motion was, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: The question is that clause 38, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 39.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 39 stand part of the Bill.

Rai MAHENDRA CHANDRA MITRA Bahadur: I move "that in clause 39, the words 'if possible' in the two places where they occur, be omitted."

My amendment in clause 39 is that the words "if possible" be omitted. The same thing also applies to the same clause, sub-clause (2). My submission to the Council is that the possibility should be removed, and the section should stand without the words "if possible."

The Hon'ble Sir ABD-UR-RAHIM: I quite appreciate the object in moving this amendment, and it is, no doubt, important that the children to be brought up in industrial or reformatory schools, should have religious instruction, in whatever religion they have been brought up. This is certainly a laudable desire, and I think I can make it clear to the House that the Government does not contemplate that any children should be brought up in the industrial schools in any particular form of religion in which he was not brought up by his parents. At the same time, it has to be recognised that there may be cases in which it may be impossible for the court to find out what religion the child has been brought up in. The parent may not be found at all, the child may be

absolutely destitute and wandering about in the streets, so it will be a very difficult task for the court to investigate what possible religion such a child has been brought up in. It may also be that there may be a destitute child found in the streets whose parents were, for instance, Buddhist, and there may not be a Buddhist school available here where instruction is given in that religion. I do not think anybody can expect that for one or two children like that a separate industrial school should be started. I would appeal to the Rai Bahadur to accept the clause as it is, and to rely upon Government and the court to see that wherever possible the child will be brought up in the particular religion to which it belongs. That is a legitimate demand, and there is no reason why we should not think that the courts will not carry it out as far as possible. We must remember that we have many Hindu and Muhammadan boys, a very large number, who go to the missionary schools, and the Bible is taught there, but nobody has objected. On the other hand, missionary schools are recognised all over India as having done great educational work. If Hindu and Muhammadan parents, who can afford to send their children to schools of any particular denomination, send them to a school where no instruction is given in Muhammadan or Hindu religions, surely, if any child, who, through the inability of the court to find out to what religion its parents belonged, is sent to a school where instruction is given in, say Hindu or Muhammadan, or Christian religion, there should not be any objection. I do not think, if the Rai Bahadur will consider this matter carefully, he will raise any objection to the clause as it stands. Having regard to the practical difficulties that might arise I appeal to him not to press this matter any further.

The motion was then, by leave of the Council, withdrawn.

The following amendment, standing in the name of Rai Mahendra Chandra Mitra Bahadur, being consequential, failed:—

"That in clause 39 (*1*), after the words 'youthful offender' in the two places where they occur, the words 'young person' be inserted."

The following amendment, standing in the name of Kumar Shib Shekhareswar Ray, was, by leave of the Council, withdrawn:—

"That in clause 39 (*1*), line 5, before the words 'shall, if possible' the following be inserted, namely:—

'in the case of a child, shall always, and in the case of a youthful offender.'"

Rai HARENDRANATH CHAUDHURI: I move "that in clause 39 (*1*), after the word 'school' in the penultimate line, the words 'conducted in accordance with that persuasion and' be inserted."

These words are taken from the English Act, but I do not press my amendment because the words are there, but because I think that religion is not a matter of less importance, less moment, less anxious consideration here in India. There is a lot of difference, I think between a school conducted in accordance with a particular religious persuasion

and a school which simply affords opportunity for instruction in a particular religion. When the children will be boarders in many cases, and their daily life will be regulated by the authorities of the school to which they are sent, it is absolutely necessary that the school should be conducted in accordance with that religious persuasion to which the children belong, otherwise there is no significance in ascertaining the religious persuasion of a child or a youthful offender. Mere organisation of a course of lectures on a religion by the authorities who do not believe in that particular form of religion is quite possible, but this mechanical instruction can be of little avail in moulding the child's character unless the child gets opportunities to live his daily life in accordance with that particular persuasion to which he belongs. Again, I would ask the question, is a particular religious persuasion such a negligible factor in the East, and particularly in India, that while a western country like England deems such a provision necessary, we can very well afford to ignore it? Simply to say that the conditions differ from those in England, or that circumstances are different will be to avoid giving a square answer to my question under the cover of smooth phrases. Moreover, I do not understand how there will be any practical difficulty, if this amendment is accepted, for this portion of the clause relating to the selection of a particular kind of school is governed by the words "if possible," and I do not like Rai Bahadur Mahendra Chandra Mitra's proposal that the words "if possible" be omitted in sub-clause (*1*) altogether. My contention is that before sending a child to the reformatory or industrial school, the court should inquire whether there is any institution conducted in accordance with his religious persuasion. If such an institution cannot be found, the court should be liable to send the child to a school not conducted in accordance with his religious persuasion, and I do not object to that.

The Hon'ble Sir ABD-UR-RAHIM: I am rather surprised that after the explanation I gave in reply to a previous amendment of Rai Mahendra Chandra Mitra Bahadur this amendment should be pressed. As a matter of fact, I should have liked to know from Babu Rai Harendranath Chaudhuri how many schools there are in Bengal, which are conducted in accordance with a particular religious persuasion.

Rai HARENDRANATH CHAUDHURI: There may be some in future.

The DEPUTY-PRESIDENT: You must not interrupt the Hon'ble Member.

The Hon'ble Sir ABD-UR-RAHIM: If he is anxious to have schools founded which will be conducted in accordance with a particular religious persuasion, I think he should refer to the Hon'ble Minister in charge of Education. I do not think any school is now conducted in accordance with the principle laid down in this amendment As a matter of fact,

even the Calcutta Madrassah is not conducted strictly in accordance with the persuasion of a particular sect; certain religious subjects are taught there, but, I believe, there are boys of more than one Muhammadan sect in the Madrassah. If this amendment were accepted, it will really make the whole Bill unworkable. I do not know what the conditions in England are in this respect, and even Mr. Wordsworth, who is so well-informed on this subject, is not able to tell me what is really wanted by this amendment. I do not think the mover has been able to explain what he means. I therefore oppose it.

The motion was then put and lost.

Rai HARENDRANATH CHAUDHURI: I move "that in clause 39 (*2*), line 6, the words 'if possible' be omitted."

I do not press, like Rai Mahendra Chandra Mitra Bahadur, that the words "if possible" be omitted in clause 39 (*1*), but what I press is that the words be omitted in sub-clause (*2*). That clause only provides for the selection of persons and not of schools. It cannot be possible to select a person of the same religion or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion. In fact, it may be quite possible to find out any person of the same religious persuasion who can undertake the education of the child, and I do not think it is so much open to objection as the proposal of Rai Mahendra Chandra Mitra Bahadur in regard to sub-clause (*1*), clause 39, is.

The Hon'ble Sir ABD-UR-RAHIM: I do not think that Rai Harendranath Chaudhuri has read this clause carefully. It will be seen that the court is directed to endeavour to ascertain the religion of the child or young person and shall, if possible, select a person of the same religion, or a person who gives such undertaking as seems to the court sufficient that the child or young person shall be brought up in accordance with his own religion, and shall pass an order to that effect. If the court, with all its endeavours, fails to discover the religion of the child, what is to be done—the child cannot be sent to any school at all. Surely, that is not a contingency that should be contemplated. I, therefore, oppose this amendment.

The motion was then put and lost.

The DEPUTY-PRESIDENT: The following amendment, standing in the name of the Kumar Shib Shekhareswar Ray, being identical, fails:—

"That in clause 39 (*2*), line 6, the words 'if possible, be omitted."

Babu KISHORI MOHAN CHAUDHURI: I move "that at the end of clause 39 (*2*), the following be added, namely:—

'and shall, if the child or young person is a girl, select a person under whose care the girl is likely to have grown-up ladies to look after her.'"

I hope it will be accepted.

Mr. H. P. DUVAL: I am afraid we cannot accept this amendment. Apart from other things, the wording is most peculiar and we cannot say beforehand whether the person we select will be able to provide those grown-up ladies to look after these children. We have provided that it should be a person who gives an undertaking to the court and the court is not likely to choose for a girl who comes in under this clause, a person whom it considers unsuitable. I, therefore, oppose this amendment both on the grounds of drafting and also on the merits.

The motion was then put and lost.

Kumar SHIB SHEKHARESWAR RAY: I move "that after clause 39 (2), the following be inserted, namely:—

'(3) where under section 31 or section 32, a child or a youthful offender is boarded out or by license is permitted to live with any other person, the manager of the school, with or without the consent of the chief inspector, as the case may be, shall select a person of the same religion, or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with his own religion.'"

My intention is clear from the amendment and I also find that the principle underlying this amendment has been accepted by the Government in other sections referring to this matter. I therefore hope Government will find its way to accept my amendment.

Mr. W. C. WORDSWORTH: Government gladly accepts this amendment as an improvement to the Bill, but considers that some slight change of form is necessary. It will be remembered that we accepted motion No. 152 (*a*) which made Government a party to all arrangements for boarding out and insisted that the chief inspector should be consulted. It is necessary, therefore, to eliminate from this amendment the words "with or without consent of the chief inspector," who is already, as we have decided, a party and who could scarcely be a party to the arrangement without being also a party to the choice of the person to whom the boy or girl shall be handed over. I would therefore propose that the amendment be read in these words:—

"(3) Where under section 31 or section 32, a child or a youthful offender is boarded out or is permitted by license to live with any other person, the manager of the school shall select for this purpose a person of the same religion as the child or youthful offender, or a person who gives a satisfactory undertaking that the child or the youthful offender shall be brought up in accordance with the religion of such child or youthful offender." *

The DEPUTY-PRESIDENT: Does the Kumar accept the modification suggested by Mr. Wordsworth?

* This wording necessitated a consequential verbal alteration in clause 39 (2), *viz.*:—that for the words "in accordance with his own religion" read "in accordance with the religion of such child or young person."

Kumar SHIB SHEKHARESWAR RAY: Yes, I accept it.

The motion was then put in the modified form and agreed to.

The DEPUTY-PRESIDENT: The question is that clause 39, as amended by the Council, stand part of the Bill.

The motion was then put and agreed to.

New Clause 39—I A.

Rai HARENDRANATH CHAUDHURI: I move "that after clause 39, the following be inserted, namely:—

'39-I A (*1*) If any person over the age of sixteen years, who has the custody, charge or care of any child or young person, wilfully assaults, ill-treats, neglects abandons or exposes such child or young person, or causes or procures such child or young person, to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb or organ of the body, and any mental derangement), that person shall be liable, on conviction, to a fine not exceeding five hundred rupees, or alternately, or in default of payment of such fine, or in addition thereto imprisonment, with or without hard labour, for any term not exceeding two years.

(*2*) A person may be convicted of an offence under this section notwithstanding the death of the child or young person in respect of whom the offence has been committed.' "

I do not think any long speech is necessary in support of this amendment, especially when I have been given to understand that this amendment may be accepted by the Government. When the Bill was first introduced, I, in course of general discussion, ventured to point out that the Bill, as framed, lacked in something very material, *viz.*, that it omitted to provide against and punish cruelty to children, although the declared object of the Act is to protect the children. In pursuance of that observation of mine, I am going to move this amendment which is taken from section 12 of the English Act.

Now, I see that Rai Jogendra Chunder Ghose Bahadur has given notice of a similar amendment. But the points on which that amendment differs from mine are these:—

(*1*) In the first place Rai Jogendra Chunder Ghose Bahadur's amendment raises questions of notification, etc., which, I think, are quite unnecessary. Cruelty will occur in individual cases and certainly not with reference to particular areas.

(*2*) The second point, in which his amendment differs from mine, is that he proposes a milder punishment. But there is no harm in providing a severer punishment when the court is given discretion

to measure the punishment for each individual case. Besides I think that provision for a mild punishment will not have deterrent effect.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg the permission of this Council to withdraw the amendment which stands in my name, for the reason that it will be a cause of great annoyance to Hindu and Muhammadan families. Mothers-in-law will be dragged before the court and such things will happen. This has been brought to my notice by several people and since putting in this amendment, I have had a great searching of my heart and I have changed my mind. I therefore desire to withdraw this amendment.

The following motion, standing in the name of Rai Jogendra Chunder Ghose Bahadur, was, by leave of the Council, withdrawn:—

"That after clause 39, the following be inserted, namely:—

'If it appears to a court on information properly verified by any person, who, in the opinion of the court, is acting in the interests of a child or young person that there is a reasonable cause to suspect that the child or young person has been or is being assaulted, ill-treated or neglected, in any place within the area in its jurisdiction to which the Local Government may by notification in the *Calcutta Gazette* direct that this section shall apply, in a manner likely to cause the child or young person unnecessary suffering or to be injurious to his health, such person shall on conviction be liable to a fine not exceeding one hundred rupees, and the court may commit the child or young person in respect of whom the offence is committed to the care of a relative, if any be forthcoming to take charge of him.'"

Mr. H. A. STARK: There are persons who do not care what happens to their victims so long as they go scot-free. For these people, this amendment is intended and needed and the knowledge that they would be visited with penalty under the law for their ill-treatment of children will, it is to be hoped, at least, in some cases, deter them from a course which they would otherwise follow. It is therefore necessary to impose upon them, from the outset, something that will act as a restraint. They deserve severe punishment and the law should provide for it to be duly administered.

The Hon'ble Sir ABD-UR-RAHIM: I should have liked that this clause were fully discussed by the mover as it is certainly an important one, and the various aspects of the question need careful consideration. The Bill is intended for the protection of children and young persons; primarily, those who are not taken care of by their parents and guardians and who are thus likely to drift into crime. By this clause it is sought to impose a penalty on such parents or guardians as ill-treat or neglect their children, or expose them to temptation. The ordinary machinery provided by this Bill is meant for dealing with

children and for determining which of the children are to be sent to industrial schools, which of them are to be sent to reformatory schools, and which of them are to be relegated to suitable custody and so on. But this clause provides penalties for neglectful or cruel parents and guardians; and therefore it is not, I should put it, quite on the same lines as the rest of the Bill. We have set up, for instance, juvenile courts and it is intended that should the juvenile courts take cognisance of the cases that come under the purview of this Bill. To this extent, therefore, the clause is a new departure. But at the same time, Government fully recognises, and I think it must be admitted, that a penal clause of this nature is necessary. England has already got it in the Children's Act of 1908, and there is no reason why India should not have a penal clause of that nature. No doubt, a clause like this would be more appropriate in the penal code, as it is to deal with grown-up persons and not children, but at the same time it cannot be said that it would be entirely incongruous in this Bill which is designed for the purpose of protecting children. The only difficulty that might possibly arise in working a clause like this is as regards the court that has to exercise jurisdiction. The House will remember that only certain classes of Magistrates have been given power under the Bill but an offender against the clause now moved would have to be tried in the ordinary way, under the provisions of the Code of Criminal Procedure, by the ordinary courts. The juvenile courts, for instance, which are to be set up to work this Act would not be proper courts for the purposes of this clause. I take it, however, that the Criminal Procedure, which applies to the rest of the Bill, will apply to the provisions of the new clause as well. Rai Jogendra Chunder Ghose Bahadur has given voice to an apprehension which might be shared by other people, that the wording of this clause might lead to undue interference with domestic affairs of people of this province, and that Indian public opinion might fight shy of such a clause. But there is this much to be said against this argument. Rai Jogendra Chunder Ghose Bahadur had himself brought forward this very provision in the Select Committee and now that it has been circulated and public opinion invited on the provision, I do not think any protest has been made against the inclusion of the clause. It is for the House to decide whether, in the circumstances of the country, it would be desirable to include such a clause or not in this Bill, and I therefore content myself with leaving the question entirely to the House. I have pointed out some of the difficulties that have struck me, and I have also pointed out why nobody can properly take objection to a provision of this nature. It is absolutely sound in principle. But the House will have to consider, at the same time, how far a penal provision like this is suitable to the circumstances of the country.

The DEPUTY-PRESIDENT: I understand that Rai Harendranath Chaudhuri wants to make a certain modification in his amendment.

Rai HARENDRANATH CHAUDHURI: It has been admitted that my amendment is sound in principle but exception is taken to its form. I beg to move the amendment in the following modified form, and I hope it will be accepted:—

"That after clause 39, the following be inserted. *viz.*—

'*Penalty for cruelty to child or young person*

40. If any person over the age of sixteen years, who has the custody, charge or care of any child or young person, assaults, ill-treats, neglects, abandons or exposes such child or young person, or causes such child or young person to be assaulted, ill-treated, neglected, abandoned or exposed in a manner likely to cause such child or young person unnecessary suffering or injury to his health (including injury to or loss of sight, or hearing, or limb, or organ of the body, and any mental derangement), that person shall be punishable with imprisonment for a term not exceeding two years or with fine not exceeding two hundred rupees or with both.'"

The motion was put and agreed to.

New Clause 39-II A.

Rai HARENDRANATH CHAUDHURI: I move "that after clause 39, the following shall also be inserted, namely:—

'39-II A. Whoever shall sell or give any intoxicating liquor or drug to a child or young person except upon the order of a duly qualified medical practitioner or in case of sickness or apprehended sickness shall be liable to a fine not exceeding one hundred rupees, or alternatively, or in default of payment of such fine or in addition thereto, to imprisonment with or without hard labour for any term not exceeding two months.'"

The object of this amendment is obvious. It is to offer protection to children in the matter of selling them or giving them intoxicating liquor, etc. There is a similar provision in the Excise Act, but this amendment covers a wider ground and, therefore, I have thought it proper to move this amendment. There is also a corresponding section in the English Act—section 19. I find Rai Jogendra Chunder Ghose Bahadur is going also to move a similar amendment, but he thinks also that giving or selling cigarettes to boys and girls should also be made punishable. I think it is going too far. Therefore I move the amendment in the form in which I have given notice of it. I understand that exception has also been taken to the form of this amendment. I therefore beg to move it in the following modified form and I hope that it will be accepted:—

"That after clause 39, the following shall be inserted, namely:—

'39-II A. Whoever shall sell or give any intoxicating liquor or drug to a child or young person except upon the order of a duly qualified medical practitioner or in case of sickness or apprehended sickness shall

be punishable with imprisonment for a term not exceeding two months or with fine not exceeding one hundred rupees or with both.' "

The DEPUTY-PRESIDENT: I understand that Rai Jogendra Chunder Ghose Bahadur has a similar motion but he does not want to press it.

Rai JOGENDRA CHUNDER GHOSE Bahadur withdrew the following motion:—

" That after clause 39, the following be inserted:—

' If any person sells, gives or causes to be given to any child or young person any intoxicating liquor or drug or any cigarettes except upon the order of a duly qualified medical practitioner, he shall, on summary conviction, be liable to a fine not exceeding fifty rupees.' "

The Hon'ble Sir ABD-UR-RAHIM: I oppose this amendment for a very obvious reason, that is, the offence with which it is sought to deal is already covered by the Bengal Excise Act V of 1909 in section 51. Secion 51 says:—

" If any licensed vendor, or any person in his employ and acting on his behalf sells or delivers any spirit or intoxicating drug to any child apparently under the age of fourteen years, whether for consumption by such child or by any other person, and whether for consumption on or off the premises of such vendor, he shall be liable to fine which may extend to five hundred rupees."

We should not have two enactments overlapping each other. For the same offence there is a distinct provision under the Excise Act and why should we have another Act dealing with it. I think for all purposes we have got sufficient provisions for such cases. So far as I can remember, not many prosecutions have occurred under section 51 of the Bengal Excise Act, and this, like a similar Act, *i.e.*, the Act directed against the selling of cigarettes to children, has been more or less a dead letter. There are other minor objections. The word " giving " is rather objectionable although in the English Act the word " give " occurs. That is, however, with reference to children under five years of age. Some persons in certain circumstances might like to give a small dose of liquor to his child, of 10 or 11, for the child's health. The English law is much narrower than the clause now moved, but the more important objection is that we have already got an Act dealing with this matter.

The motion was then put and lost.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I have to thank the Secretary for kindly modifying my amendment which I beg leave to move in these words—

" That after clause 39, the following shall also be inserted, namely:—

' 39-11A. If any person having the custody, charge or care of a girl under the age of sixteen years, causes or encourages or abets the

seduction or prostitution of that girl, he shall be punishable with imprisonment for a term not exceeding two years.' "

This is a new provision which has been approved by the Anglo-Indian and European Associations and not disapproved by any other Association. This is the provision of the English law for which the late Mr. Stead tried for many years and succeeded in incorporating in the English statute. If there is white slave traffic in Europe there is child slave traffic in India in a larger measure. Babu Surendra Nath Mallik told us yesterday that there were 18,000 public prostitutes in Calcutta alone. I know the wiles of the procuresses and the *bariwalis*. I do very much wish that I could also reach the wealthy dissolute men who get these girls into their power. Without them these *bariwalis* and procuresses would not be here. Therefore, I desire that these *bariwalis* should be brought within the measure of the law. The cruelty, the fraud of these *bariwalis* are well-known. They are described in several Bengali novels. The cruelty to these young girls is heart-rending and must be put a stop to at any cost. Man gets girls for his play and pleasure but it is ruin and death to the latter. I would very much like to punish them first, but, unfortunately, I cannot get at them. Therefore, I must, if it is possible, get at their instruments. I therefore propose that this section, which is reproduced from the English statute, do find a place in our Act.

The Hon'ble Sir ABD-UR-RAHIM: My position with regard to this clause is the same as with reference to amendment No. 175. It is obvious that the principle underlying the clause is quite sound, and it depends upon the members whether they think it desirable that the clause should be embodied in this Bill or not. We have similar clauses dealing with cases of young girls or female children, who are liable to be led astray, if brought up in corrupt surroundings. This clause is intended to punish persons who can be proved to be bringing up young girls and children to a life of ill-fame, and nobody will deny that such a provision, if it can be actively applied to Calcutta, would be very useful. I, therefore, on behalf of Government entirely sympathise with the object of the clause, and I do not see any particular reason why, if the Council so desires, it should not be embodied in the Bill.

Babu SURENDRA NATH MALLIK: I support this motion for the simple reason that the Children's Protection Act cannot be complete without a provision for the protection of these unfortunate poor girls who are everyday being led to a life of prostitution through various ways. In doing that, I would ask the members of this Council to remember that prostitution is the only profession in the world in which the minimum experience gets the maximum of pay. That is the reason for which we get a plentiful supply of these unfortunate girls in our towns and particularly in Calcutta. One of the sources of this supply is, to our shame, the child-widows in our own community, particularly in the

lower classes. Those of you, who have had an opportunity of knowing thoroughly the class of persons who come to swell the number of prostitutes in Calcutta, must have known that many of them come from the poorer classes—child-widows who, under exceedingly cruel treatment, leave their home and come to Calcutta for the purpose not necessarily of leading an immoral life but of getting some sort of work to keep their body and soul together. The fact is that as soon as they come to the town, they fall into the hands of these *bariwalis*. As soon as they do that they struggle for a few days as all people are bound to struggle before they can be dragged to a life of degradation, but all these *bariwalis* have their excellent tricks. I need not dilate upon them—though I have made a special study of them—because there are some friends here who might be shocked by them. I need only say that there are such methods and tactics by which these poor and unfortunate children are quietly and unsuspectingly led to these lives of degredation and the worst of it is that, so far as our community is concerned, once she is down, down she is bound to go and there is no hand outstretched to help her. Once a prostitute always a prostitute.

Now there is another source from which these unfortunate young girls come. Women, who have made money, go back to their villages and under false pretences bring out young girls, *e.g.*, for seeing the Zoological garden, *tamashas*, etc. I have got certified copies of statements of several girls that they were brought by their relatives, such as, aunts, etc. These girls are subsequently transformed into prostitutes. A third source is that there are a large number of public women who make money and properties. They adopt girls to inherit their properties, but, possibly, they do so in order that these girls may stand by them in their old age. And all these girls afterwards take to prostitution. I need not go further as it might shock my respectable friends. The question is that if by legislation even if we can save one or two per cent. of our unfortunate sisters or daughters, should we not do that? It does not matter if we fail in many instances, but we shall be doing a good deal if we can save even one or two per cent. I therefore think that we should accept this motion.

The motion was then put and agreed to.

New Clause 39-IV A.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to move the amendment that stands in my name in a modified form as follows:—

" That after clause 39, the following shall also be inserted, namely:—

'39-IV A. If a pawn-broker takes an article in pawn from any child, whether offered by that child on his own behalf or on behalf of any other person, he shall be punishable with fine not exceeding one hundred rupees.' "

This is also taken verbatim except the amount of fine from the English Act, and I think this is a section which is absolutely necessary in the interest of the young person here as well as in England.

The Hon'ble Sir ABD-UR-RAHIM: The only objection to this clause is that the Calcutta Police Act provides for similar cases arising in the town of Calcutta. Section 54 lays down—

> Whoever takes from any child, apparently under the age of fourteen years, any article whatsoever as a pawn, pledge or security for any sum of money lent or advanced to such child, or, without the knowledge and consent of the owner of the article, buys from any child any article whatsoever, shall be liable, on summary conviction before a Magistrate to a penalty not exceeding one hundred rupees.

It does not, however, provide for the suburbs, but so far as Calcutta is concerned, I should say that this is a more comprehensive provision than the one proposed. But if it is desired by the House that we should have a provision like this not only for the town of Calcutta but for the suburbs as well, there would be no objection, though I myself think that it would be better to leave this matter alone.

The amended motion was then put and agreed to.

Clause 39 A.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 39 A stand part of the Bill.

Babu SARAT CHANDRA MUKHOPADHAYA: In the absence of Rai Mahendra Chandra Mitra Bahadur, I move "that in clause 39 A, after the word 'maintenance' the words 'and protection' be inserted."

Mr. H. P. DUVAL: On behalf of Government, I accept this.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question is that clause 39 A, as amended by the Council, stand part of the Bill.

The motion was then put and agreed to.

Clause 39 B.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 39 B stand part of the Bill.

Mr. H. P. DUVAL: On behalf of the Hon'ble Sir Abd-ur-Rahim, I move "that at the beginning of clause 39 B (*1*) the words 'A copy of' be inserted."

The order will naturally be on record and a copy of the order will have to be sent and not the original order. This is, therefore, purely a matter of drafting.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: The question is that clause 39 B, as amended by the Council, stand part of the Bill.

The motion was then put and agreed to.

Clause 39 C.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 39 C stand part of the Bill.

Babu INDU BHUSHAN DUTTA: I move "that clause 39 C be omitted."

This is one of the most drastic sections that could ever be embodied in a piece of benevolent legislation like this. This provides that Government will have power to interfere with the private industrial schools which may not even like to take any help from Government. I do not understand how this sort of clause could be embodied in this Bill. When the Bill was first drafted, this clause was not there. What induced the Select Committee to introduce this section? Grandfatherly legislation is all very well so far as it goes, but when it degenerates into the questionable attitude of the Government to interfere with private institutions, who like to work in their own way, this becomes really objectionable. I know there are many large industrial schools springing up in the country nowadays, which are being worked by private benefactions and private venture. There may be some institutions of this kind which may receive children and train them up in some useful industry, without any help from Government. It is quite feasible that they might fight shy of Government help and Government methods of inspection and interference. If these institutions do anything illegal, surely the ordinary Criminal Procedure Code, which is the most exhaustive Code in the world, is quite enough to deal with them without the necessity of a sort of penal amendment in this benevolent legislation. Is it conceivable that these industrial institutions should not be allowed to work in their own way without some meddling Government officer poking his nose into their affairs? Private ventures should always be allowed to develop in their own way. This interference, this wish to keep them in leading strings, is harmful both to the Government and to the people. We have had enough of leading strings. Let us try to walk on our own legs.

With these few words, I beg to submit that my amendment be accepted.

Kumar SHIB SHEKHARESWAR RAY: I beg to say that this clause of the Bill makes all private charitable institutions liable to be inspected by officials. This, I should say, is beyond the scope of the main purpose of the Bill. There are many such institutions in the country managed entirely by private individuals, wherein children are admitted and moral, religious and secular education is imparted to them.

Tols, Muqtabs, Rishikula and Brahmachari Asrams fall under this category. In many of these institutions children are brought up and educated on indigenous lines. Inspection by officials as a matter of right, I am afraid, would be resented by most of the authorities of these institutions. In most cases, only if a request be made to them, they would gladly show over the whole establishment and explain every thing worth knowing. I know of instances where the authorities call upon high officials and distinguished visitors with a request to visit these institutions. But the situation becomes different when an inspection is foisted upon them by an official in an authoritative capacity. The Hon'ble the Member in charge, who is an Indian, hardly needs any telling how sensitive and suspicious of outside interference we, Indians, are in these matters. I would, therefore, urge upon him to omit this clause. Moreover, this clause does not tend to serve any useful purpose. It only provides for a right of inspection, but nowhere in the Bill is there any provision for taking any action on the inspection report. It might be contended that with reference to all such institutions, the Government, as a guardian of public morals, has a right to see that these institutions are conducted on such lines as would be conducive to the proper training of the boys in healthy surroundings. But this end cannot be attained by simply inspecting them unless the Government reserves to itself the right to enforce action on the inspection reports. But even in this view of the question, I do not think that the Government has any evidence before it to show that such institutions so far as this province is concerned are conducted in any way to call for such official interference in their management. Conditions are, however, different in England from the law of which country this clause has apparently been adopted. In England, the number of private institutions, which admit young children, is very large and they are generally conducted on business principles though ostensibly charitable. And the institutions there, for which this provision is necessary, mostly entertain such children as are thought undesirable at home by their parents, mostly step-parents, and sent there for the sake of convenience. Guardians of these boys in England, I presume, take very little interest in them and, as such, official inspection and supervision are an absolute necessity. But, fortunately, we have not got such "Do the boys Halls" in Bengal. Even if, in any of them, there be any ground to apprehend that all is not straight, I think, the criminal laws of the country are quite sufficient to put matters right. I find that the Bengal Chamber of Commerce also agree with the view that we have taken in the matter. The Bengal Chamber of Commerce writes:—

The Committee of the Chamber do not clearly understand the object of inserting clause 17 in the Bill. It is based largely on section 25 of the English Act of 1908. But it has no apparent connection with the main purposes of the present Bill. It empowers the local Government to appoint persons to visit, and to inspect, institutions for poor children, and it penalises the obstruction of such persons. The

Committee suggest that it be omitted, as the institutions with which it deals do not come within the scope of the Bill.

This is the opinion of the Bengal Chamber of Commerce.

Now, Sir, I refer to the opinion expressed by the Secretary to the Society for the Protection of Children in India. It relates to institutions for poor children. Then, Sir, I refer to the opinion expressed by the Most Rev. the Lord Bishop of Calcutta and Metropolitan of India:—

. . . . . those hostels or homes which, founded for other purposes, are ready to take a few children of this class, but would resent the right of entry with power to "make a complete inspection thereof and of all papers, registers, and accounts relating thereto" being based on this concession.

I need not cite any further opinions, and I hope that the motion will be accepted by the Council.

Sir ASUTOSH CHAUDHURI: I think the section as drawn should stand. I do not see any possible objection to it. It is well known that there are certain institutions in the neighbourhood of Calcutta which are used as orphanages although they are purely breeding-grounds for prostitution. I have had several applications made to me by persons living in those houses to rescue them, but I had not the means to do so and I thought it was rather dangerous work. It is well known that there are various institutions spread all over the country where young girls are decoyed and kept for some time under the guise of religious instructions, but they are not really religious institutions or educational institutions—they are not used properly. I think power should be given to the Government that they may cause institutions of this character to be visited and inspected for the purpose of finding out as to whether these institutions are *bona fide* institutions or not. I therefore entirely support the retention of this section.

Khan Bahadur WASIMUDDIN AHMED: I strongly oppose this amendment and I need hardly add anything to what has fallen from Sir Asutosh Chaudhuri, that certain religious societies may keep institutions like these and may take boys and girls of other religious denominations and teach them their own religion without allowing Government to have the power of inspection. There are some circus or theatre parties, who keep some training classes for boys and girls for training in their professions, and call them charitable institutions so that Government may not have the power of interference. These boys and girls trained in these institutions may lead vicious lives always. So it is desirable that Government may have power to visit and inspect these institutions.

The Hon'ble Sir ABD-UR-RAHIM: I wish, first of all, to assure Babu Kishori Mohan Chaudhuri that the Government, in drafting this clause, had no sinister intentions at all, and I should have liked to know

what sinister motive the Government could have. All that the Government desired in putting in this clause was to enable itself to gather information regarding such institutions as there may be, where children and young persons are kept, whether they are properly discharging their ostensible duties, whether they are taking proper care of them, feeding them and educating them in the right way. That is all the object that Government had in view in inserting this clause. At the same time, I admit that we had not any very large evidence before us that there are many institutions which require to be dealt with under a clause of this character, and I was much interested to hear from Sir Asutosh Chaudhuri that there are in fact places where children are kept for purposes other than charitable. If there are such places, undoubtedly, they would require to be brought under the supervision of Government. At the same time, we recognise the force of the objection which has been voiced in the House by Babu Indu Bhusan Dutta and Kumar Shib Shekhareswar Ray that there are institutions doing beneficial, useful and philanthropic work, which are self-supporting and well-looked after and their managers would resent any interference on the part of Government. If they are well-kept and well-managed institutions we do not want to interfere in their management at all. I know, as a matter of fact, there are one or two institutions in Calcutta which refused to come in under the scope of this Bill, and these are well conducted institutions, and objections put forward by those bodies ought to be considered. There is also some force in the objection that this clause stands by itself. The Bill does not say, what is to be done on the report of the inspectors or whether Government would give them any help. The clause was taken almost bodily from one of the sections of the English Children Act. I am not aware of the character of the English institutions which are sought to be dealt with under the English Act. But it is possible that there are institutions in England, which require very close watching on the part of the Government, and if there are any institutions here, like those referred to by Sir Asutosh Chaudhuri, it would be necessary on the part of the Government to deal with them under the provisions of this Bill. But there is one thing I should like to point out here, that we have made ample provisions in this Bill under clause 28 of the new clause that has been moved and accepted by the House which, in my opinion, would be sufficient to cover cases of such nature. If there are places which are, as described, breeding-places for prostitutes, then, I think, they could be very easily dealt with under clause 28 of this Bill and so also under the new clause which has been just moved by Rai Jogendra Chunder Ghose Bahadur and which has been just passed. In the circumstances, I am not prepared on behalf of Government, to press for retaining this clause as there might be objections on the part of managers of *bona fide* institutions for the protection of children to come under the supervision of the Government. I would therefore leave it to the judgment of the Council whether it is necessary to retain this clause or not.

A division was then taken with the following result:—

AYES.

Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ali, Mr. Syed Nasim.
Beadel, Mr. C. F.
Bhattacharji, Babu Hem Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Babu Tankanath.
Chaudhuri, Rai Harendranath.
Das Cupta, Rai Bahadur Nibaran Chandra.
Dutta, Babu Indu Bhushan.
Duval, Mr. H. P.
Haq, Shah Syed Emdadul.
Moitra, Dr. Jatindra Nath.
Mukhopadhya, Babu Sarat Chandra.
Nakey, Mirza Muhammad Ali.
Ray, Kumar Shib Shekhareswar.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Salam, Khan Bahadur Abdus.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wordsworth, Mr. W. C.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Arhamuddin, Maulvi Khandakar.
Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Bose, Mr. S. M.
Biss, Mr. E. E.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Sir Ashutosh.
Das, Babu Bhismadeva
De, Babu Fanindralal.
Dutta, Babu Annada Charan.
French, Mr. F. C.
Chose, Rai Bahadur Jogendra Chunder.
Coode, Mr. S. W.
Corden, Mr. A. D.
Hindley, Lt.-Col. C. D. M.
Hussain, Maulvi Muhammad Madassur.
Karim, Maulvi Abdul.
Karim, Maulvi Faziul.
Khan, Maulvi Hamid-ud-din.
Lang, Mr. J.
Larmour, Mr. F. A.
Mallik, Babu Surendra Nath.
McKenzie, Mr. D. P.
Mitter, the Hon'ble Mr. P. C.
Pugh, Colonel A. J.
Rae, Mr. W. R.
Rahim, the Hon'ble Sir Abd-ur-.
Rauf, Maulvi Shah Abdur.
Ray, Rai Bahadur Upendra Lal.
Robinson, Major-General W. H. B.
Roy, Babu Jogendra Nath.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Rishindra Nath.
Stark, Mr. H. A.
Watson-Smyth, Sir R. M.

The Ayes being 25 and the Noes 39, the motion was lost

Clause 40.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 40 stand part of the Bill.

The motion was put and agreed to.

Clause 41.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 41 stand part of the Bill.

The motion was put and agreed to.

Clause 42.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 42 stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that at the end of clause 42 (2) (*b*), the following be added, namely:—

'and prescribing the powers and duties of the chief inspector, inspector and assistant inspector.'"

I merely move this in the hope that Government will accept it.

Mr. H. P. DUVAL: On behalf of Government, I accept the amendment. But I would suggest a slight alteration. We have not referred in the Bill to anybody but the chief inspector and it is better to leave out references to inspectors and assistant inspectors from the amendment.

The mover having accepted the modification, the motion was put in the following form and agreed to:—

"and prescribing the powers and duties of the chief inspector, and other inspectors."

Babu SURENDRA NATH MALLIK: I move "that in clause 42 (2) (*j*), after the word 'industrial' the words 'and moral' be inserted."

My object is that, in this country, education does not include moral training and that is the reason why I have proposed this amendment.

Mr. H. P. DUVAL: On behalf of Government, I accept the amendment.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT: In accordance with a previous decision of the Council, I would put the following motion to the vote:—

"That at the end of clause 42 (2) (*j*), the following be added, namely:—

'and for the credit to them of a portion of the proceeds of their work.'"

The motion was put and agreed to.

Babu KISHORI MOHAN CHAUDHURI: I think, Sir, that the first part of my amendment has been disposed of as the Council has agreed to the separate accommodation of boys and girls. So, with your permission, I would only move the second part of my amendment.

The DEPUTY-PRESIDENT: The entire amendment is out of order and fails.

It was as follows:—"That after clause 42 (2) the following be added, namely:—

'(2A) In making rules for carrying out the purposes of this Act and in particular under clauses (*a*), (*o*) and (*p*) of sub-section (2), the Local Government shall, as far as possible, provide for the segregation of boys from girls, and of children and young persons sent to an industrial school under section 28 and sub-section (2) of section 29 from those sent to industrial, reformatory or auxiliary homes under any other section or sections of this Act.'"

The DEPUTY-PRESIDENT: The question is that clause 42, as amended by the Council, stand part of the Bill.

The motion was put and agreed to.

Clause 4.

The DEPUTY-PRESIDENT: The question I now have to put is that clause 4, which was postponed, stand part of the Bill.

Babu KISHORI MOHAN CHAUDHURI: I move "that in clause 4 (*h*), the words 'all or any of' be omitted."

If the words are not omitted then anybody empowered to exercise any of the powers may exercise all the powers. That is the reason why I have moved this amendment.

Mr. H. P. DUVAL: On behalf of Government, I oppose this motion. If we delete the words, then there might be some difficulty in administering Chapter V of the Act in the mufassal where there are Magistrates with only second class powers, who might be empowered to try juveniles but where it might not be desirable to invest with powers to try cases of neglect of children. The words were put in deliberately and after careful consideration and not through mistake.

The motion was then put and lost.

The question that clause 4 stand part of the Bill was then put and agreed to.

The Hon'ble Sir ABD-UR-RAHIM: May I ask that the preamble of the Bill be put to the Council.

The question that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir ABD-UR-RAHIM: I now beg leave to move that the Bengal Children Bill, 1922, as settled in Council be passed. In doing so, I must thank the members of this Council for the extremely business-like manner in which they have dealt with the numerous amendments amounting to no less than 193 in number. They have shown a great deal of patience, careful thought and good-will in dealing with the Bill. It is obvious that a Bill of this character was much needed in a town like Calcutta, where the problem of dealing with children and young persons, who are unprotected and helpless, has been agitating the minds of philanthropic persons for a long time. It was high time that these children should be protected by the State and it is a matter of congratulation to us all that Government have been able at last to put this Bill before the Council and that the Council have passed it. The Bill, if it is going to be carried into effect, as intended by its framers and as desired by an expectant public, will need considerable support from the members of the public as well as the members of this Council. Without sufficient

funds nothing can be done and my Hon'ble friend the Minister for Education, who will now have to administer most of the important clauses and sections of this Act, will require to be supplied with money if he is to carry out the objects of this Bill. We first of all have to provide for a house of detention for children and young persons who are going to be arrested (as they will be for the purpose of being dealt with under the Act), and it is the desire of this Council that they should not be taken to a police-station or to a jail for the purpose of custody before being brought to court. That is a laudable scheme, but if it is to be carried out, a house of detention—a house with proper arrangements for the custody of these children and young persons should be provided not only in the town of Calcutta but in Howrah, Alipore and Sealdah. That is one of the first provisions that will have to be made if the Act is to be applied at all. Then we have to establish industrial and reformatory schools. In this province there is no reformatory school at all. At present, youthful offenders are sent to Hazaribagh. We have to establish many industrial schools and reformatory schools if we are properly to carry out the provisions of the Bill even for the towns of Calcutta, Howrah, Alipore and Sealdah. We have got to certify schools as well, and I therefore appeal to the members of this Council, when they will be asked by Government to provide money, not to forget that they have passed into Act, a Bill which will entail considerable expenditure.

In conclusion, the House will permit me to thank Mr. Duval, the Judicial Secretary, Mr. Tindall, Secretary of the Legislative Council, and Mr. Wordsworth, the Director of Public Instruction, for helping me very considerably in placing this Bill before the Council. They have devoted very considerable time in examining the amendments in all their details, and, but for their help, it would not have been possible for me to get the Bill through the Council as expeditiously as we have done. I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

At this stage the Council adjourned for 15 minutes.

After the adjournment.

The Bengal Aerial Ropeways Bill.

SECRETARY to GOVERNMENT, PUBLIC WORKS DEPARTMENT (Mr. C. P. Walsh): On behalf of the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, I beg to move "that the Bengal Aerial Ropeways Bill, 1922, be referred to a Select Committee consisting of the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, Mr. H. E. Spry, Lt.-Col. C. D. M. Hindley, Sir Asutosh Chaudhuri, Mr. Syed Nasim Ali, Sir R. M. Watson-Smyth, Mr. A. D. Gordon, Mr. W. L. Carey and myself, with instructions to submit their report for presentation to the Council as soon as possible.

The motion was put and agreed to.

The Calcutta Improvement (Amendment) Bill.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg leave of the House to introduce a Bill further to amend the Calcutta Improvement Act, 1911.

It is a very small measure consisting of only two sections, and therefore, is in striking contrast with another measure affecting Calcutta which it was my good fortune to introduce into the Council last November. The Calcutta Municipal Bill contains over 650 sections; this Bill contains only two sections. It will be in the recollection of members of this Council that under the provisions of the present Calcutta Improvement Act, the solatium of 15 per cent. allowed to owners of property upon compulsory acquisition for public purposes is withheld. This has been the subject of loud and persistent complaint. In 1919, Rai Radha Charan Pal Bahadur, a strenuous defender of the interests—specially the pecuniary interest—of the citizens of Calcutta, moved in this matter in the Council, and on that occasion Government gave a pledge promising that the solatium of 15 per cent. would be given. We are here to-night to redeem that pledge. The provisions of the Bill, which I have the honour to introduce, propose to effect this improvement. The idea of the Government was to confine this solatium to lands acquired for purposes of street improvement excluding land acquired for sanitary improvement. On further consideration this restriction has been removed, and under the provisions of this Bill, all acquisition of land will be paid for at the usual rate of 15 per cent. I am quite sure that the Bill will be gratefully accepted by the people of Calcutta and will be a source of satisfaction to them.

With these words, I beg leave to introduce the Calcutta Improvement (Amendment) Bill, 1922.

The motion was put and agreed to.

The Secretary then read the title of the Bill.

The Bengal Amusements Tax Bill, 1922.

The Hon'ble Mr. KERR: It is with a deep sense of responsibility that I rise to ask the Council to take these financial measures into consideration. As the Council is well aware our unfortunate financial position has been like a millstone round our necks since the reformed constitution came into force last January. The question has been discussed threadbare in this Council and the position was explained by His Excellency in the speech with which he opened the Council on the 21st of November, 1921. I do not propose, therefore, to go into any of the old details and troubles with which the Council is only too familar. Suffice it to say that a deputation, appointed on the recommendation of this Council, visited Simla in September last, to discuss the whole matter with the Viceroy and his financial advisers. We spent three days with

the Finance Department of the Government of India going into the matter from every aspect and in every detail, and we pressed our just demands upon them with all the emphasis that we could command. Finally, we were accorded an interview with His Excellency the Viceroy, who listened patiently to all that we had to say and evinced considerable sympathy with our troubles, but finally he told us frankly that in view of the Government of India's own financial position and of their obligations to other provinces, the utmost that he felt he could recommend to the Secretary of State was a remission of the Bengal contribution of Rs. 63 lakhs for three years. That decision of His Excellency the Viceroy, much as we may regret it, we are bound to accept as final for the present. Of course, we do not accept it as final for all time. His Excellency the Governor, speaking in this Council with all the authority that belongs to his high position, said on the 21st of November, 1921:—

> "It must not be supposed for one moment that a decision of this Council to raise fresh revenue for carrying on the administration for the time being is to be regarded as acquiescence on its part in the present settlement. Very far from it. Neither the Council nor Government have ever departed from the view that the settlement ought to have been such as to permit the continuance of the administration on existing lines without the imposition of additional taxation. And our position is this, that if, to meet the immediate emergency with which we are faced, we are prepared to raise fresh revenue and to devote it to meeting our existing deficit, we do so still maintaining that we have a moral claim to further relief, and in that view, we regard the allocation of the proceeds of new taxation to the meeting of our deficit as a purely temporary expedient pending further relief, on receipt of which the new revenue raised would become available for those schemes of educational and sanitary and medical progress which, I am sure, the Council as much as the Hon'ble Ministers, who are charged with them, so earnestly desire to see taken in hand."

That is the point of view from which I ask the Council to regard our finance proposals to-day. We propose to take every opportunity of urging upon the Government of India the inequity and injustice of the financial settlement arrived at on the Meston Committee's report, and there are many indications that in this protest we shall be joined by other provinces. When the Government of India are forced to undertake a re-examination of the whole question, as I have no doubt they will be at no distant date, we shall be ready again to press our demands upon them, and we hope that they will then be in a position to treat us more generously than they can at present; but, at the

present moment we cannot expect any further relief from the Government of India. It is common knowledge that they are faced with a deficit much larger than ours and that alone would prevent them from doing more for us at present. It is common knowledge also that other provinces by no means sympathise with our troubles, that they are very jealous of the slight and inadequate relief which has been granted to us, and that the Government of India would have to face the opposition of the representatives of other provinces in the Legislative Assembly, if they tried to do anything further for us. We must, therefore, stand on our own legs. We are faced with the prospect of a serious deficit on next year's budget, and as honest men and honest citizens, we must face the situation and devise such remedies as it is possible for us to take in our responsible position as members of this Council.

What then is the present position? It will be understood that at the present moment when the departmental budgets have only just been prepared, and have not yet been checked and examined, I can only give rough approximate figures on the basis of the current year's budget. That budget shows a deficit of 212 lakhs of rupees. The Government of India have promised to remit next year our provincial contribution of Rs. 63 lakhs, which is a part of our deficit in the current year. If, therefore, we budget for next year on the same scale as during the current year, our deficit will be Rs. 149 lakhs. After our return from Simla, we sat down and considered anxiously what steps we could take to meet this situation. There are obviously three courses open to us: the first is to borrow money, the second is to reduce expenditure and the third is to increase our annual revenues in order to meet our necessary expenditure. The device of borrowing may be dismissed at once. No one is going to lend money to a Government or to an individual whose annual expenditure exceeds his annual income. In the matter of retrenchment, as His Excellency told the Council, we have been able to effect something; by cutting down settlements, by stopping the erection of any new buildings by the Public Works Department and in various miscellaneous ways mainly affecting the reserved side of Government, we hope to be able to reduce our expenditure next year by nearly a crore over and above the Rs. 63 lakhs contribution to the Government of India as compared with the estimate for the current year. As I have said, our budget for next year is still under preparation and I cannot give the Council the final figures which will be laid before them when I introduce the budget next month. In answer to a question by Babu Surendra Nath Mallik, I said to-day that I could not give any figures at all and that was true when I drafted the answer last week. But in view of the importance of this subject, the Finance Department have done their utmost to prepare an estimate of the position for the purposes of this debate, and it will interest the Council to know the rough calculations which we have made and which will show our financial position next year, sufficiently accurately for present purposes. Taking the

revenue account alone, and leaving aside for the present the loan account, our expenditure estimate for the current year was Rs. 1,259 lakhs. From this we must deduct the income-tax receipts, of Rs. 93 lakhs which we make over to the Government of India in full and the provincial contribution of Rs. 63 lakhs which will not be payable next year. This leaves a gross provincial expenditure of Rs. 1,103 lakhs; this we hope by retrenchment to reduce to Rs. 1,083 lakhs. In consequence mainly of the further retrenchments to which I have already referred, we hope to reduce our gross expenditure, next year to Rs. 1,018 lakhs. On the receipt side, however, we have unfortunately to face a corresponding fall, not so great as on the expenditure side but still considerable. Our budget estimate of receipts for this year amounted to Rs. 10,48 lakhs. Deducting from this the receipts of Rs. 93 lakhs on account of income-tax, our receipts available for provincial purposes were estimated to amount to Rs. 954 lakhs. In our revised estimates we have been compelled to reduce this figure to Rs. 866 lakhs. The year has not been a good one for revenue purposes, and there has been a serious falling off of about Rs. 60 lakhs in the three important heads of land revenue, excise and stamps with smaller reductions in various less important revenue-heads. Our deficit for the current year will therefore be somewhere in the neighbourhood of Rs. 217 lakhs and we anticipate that our closing balance will be reduced to about Rs. 60 lakhs. For next year our present rough estimate of receipts is Rs. 891 lakhs and of expenditure Rs. 1,018 lakhs. I repeat that these are only rough figures, but we may take it that our revenue deficit next year will be about Rs. 130 lakhs. It is this deficit that I now ask the Council to consider seriously. Even if we draw Rs. 40 lakhs from our estimated opening balance of Rs. 60 lakhs, we shall still be left with a deficit of Rs. 90 lakhs, and I am afraid there is no hope of getting it down much further. This is what I call the bedrock figure arrived at after cutting down all administrative requirements to the bare minimum. As the Council are aware, the Standing Committees have been entrusted with the function of scrutinising the departmental budgets and seeing whether any further retrenchments are feasible immediately, but I am bound to tell the Council candidly that we do not expect very much in this direction. I may explain very briefly my reasons for this attitude on our part.

Leaving out of account our contributions to the Central Government which are beyond our control, our total expenditure during the current year for purely provincial purposes amounts to about 11 crores of rupees. Of this sum, no less than Rs. 6½ crores is paid on account of establishments of different kinds. Practically the whole of this is permanent establishment which we could not get rid of without paying pensions or other forms of compensation. The salaries of Imperial officers amount to Rs. 90 lakhs; the salaries of officers of the Provincial Services amount to just under a crore; the salaries of officers of the

Subordinate Services to Rs. 95 lakhs and the salaries of ministerial officers and menials to nearly Rs. 2½ crores. Then, there are various allowances which total up to about half a crore, and pensions which cost Rs. 44 lakhs. We could not, of course, effect any reduction in pensions; we must keep faith with our pensioners. Some members of this Council, I know, believe that the work done by Imperial officers could be performed with adequate efficiency by a cheaper staff of officers of the Provincial and Subordinate Services, and no doubt this point of view will be pressed upon us more and more as time goes on; but for the moment I am only concerned with the financial aspect of the case and I would point out that even if it were decided to abolish the whole of the Imperial staff to-morrow, that step would affect less than one-sixth of the total establishment charges of the province. It would not be possible to turn the members of the Imperial Services out into the street and put in cheaper men straight away. The Imperial staff which we discharged would be entitled to pensions amounting to at least half their existing salaries, and that would be a deadweight addition to our pensionary charges; so that if we dismissed the whole of the Imperial staff to-morrow, we should have to pay them pensions amounting to Rs. 45 lakhs a year. That would leave only Rs. 45 lakhs out of the present expenditure of Rs. 90 lakhs to pay the Provincial officers who would take the place of the Imperial officers, and as we should have to pay the Provincial officers at least half what we pay the Imperial officers at present, we should require the whole of the Rs. 45 lakhs for that purpose. So I would ask the sternest economist in this Council to reflect that even if he had his way and substituted Provincial officers for Imperial officers in every post in this Presidency, the immediate saving to be thereby effected would be nothing at all. We should need Rs. 45 lakhs for pensions and Rs. 45 lakhs for the pay of the Provincial officers who would take the place of the pensioned Imperial officers and we should save nothing out of the existing provision of Rs. 90 lakhs. We cannot, therefore, look to savings on this class of officers to give us any immediate relief in our financial position. Nor can we anticipate any substantial savings on Provincial and Subordinate officers while there are various indications that the Council do not think we have been sufficiently generous in our treatment of the ministerial officers whose pay, as I have said, amounts to nearly Rs. 2½ crores. Apart from the establishment charges of Rs. 6½ crores, we spend about Rs. 166 lakhs on contingencies, and this sum, I am afraid, is not capable of reduction. Every officer I know complains bitterly nowadays that his contract allowance is insufficient in these times of high prices. Then, we have non-establishment charges of Rs. 3 crores. The largest item under this head is Rs. 114 lakhs on account of the Public Works Department, and as the Council know, we have already decided to economise by stopping all new buildings until our financial position gets straight. The next most important item is Rs. 65 lakhs on account of

educational grants, Medical and Public Health account for another Rs. 28 lakhs, and Water-ways and Embankments account for Rs. 24 lakhs. I am certain that the Council would be very reluctant to agree to any reduction on account of charges of this nature. The items that I have mentioned account for Rs. 231 lakhs, out of our Rs. 300 lakhs of non-establishment charges and the balance of Rs. 70 lakhs is made up mainly of the expenses of profit-earning departments like Forests and Jail Manufactures which it would be false economy to cut down. I say, therefore, on this rough analysis of our expenditure budget for the current year, that it will be very difficult to make any savings of any large amount beyond those which I have already mentioned. I do not wish to discourage the Standing Committees in their task of scrutinising the budgets, and if they could suggest any feasible retrenchments, no one would be better pleased than I; but, speaking broadly at the present stage, I think the Council will agree with me that the utmost we can expect in the way of further retrenchments will not exceed a few lakhs. The Council will realise also that the budgets for the next year are being drawn up by force of circumstances in the most parsimonious spirit.

We must take it, therefore, that the situation with which we are faced is that we have to deal with an irreducible minimum deficit for 1922-23 of at least Rs. 90 lakhs. It is urgently necessary for us to take measures to meet this deficit or His Majesty's Government in this presidency will be gravely crippled; and the Council will realise that this deficit of Rs. 90 lakhs is the irreducible minimum deficit which has only been arrived at after cutting down expenditure to bedrock limits in such a way as gravely to hamper the efficiency of the administration. Ever since we came into office, we have been scraping along as best we could, gravely inconvenienced at every turn by our absolute lack of funds. We have thought it right, therefore, to ask the Council to give us the means not merely of carrying on our administration on the present low and unsatisfactory scale but also to put us on a sound footing for the immediate future. We were pressed in the Council the other day to allocate a certain percentage of our revenues to the transferred departments; and I explained why it is impossible for us to frame our budget on these lines. Similarly, it is impossible for us, at the present moment, to promise to allocate any definite share in any surplus which we may enjoy next April to the reserved or transferred departments. But I do say, as I said the other day, that Government recognise that there is a strong feeling in the Council that the transferred departments are urgently in need of more money and Government realise that it is their duty to provide the departments with more money, consistently with due provision for the essential needs of the administration, whether on the reserved or on the transferred side of Government. A further reason for asking for a moderate surplus is that we shall thereby be enabled to inaugurate a sound loan policy, to

pay for large non-recurring schemes out of the proceeds of a loan and thereby relieve our revenue budget and enable us to undertake a larger number of useful and beneficial recurring schemes. So I ask the Council to agree with me that it is a sound proposition to take this opportunity of raising more money than we require to cover our bedrock deficit, particularly if we can do it, as I think we can, without imposing any serious additional hardship on the community beyond that which is necessarily involved in the imposition of new taxation of any kind whatever.

Now, as regards the measures which we propose to take to increase our annual resources, this is a matter which we have had under consideration for some time. I need not take up the time of the Council by explaining the various expedients which we have examined and discarded, either because they would not bring us in sufficient revenue or because they would impose hardships on the community out of proportion to the amount of revenue that they would bring in. I would only say briefly that there are four measures which seemed to us feasible and we have considered them with some care and in some detail. The first of these is the imposition of an additional cess on land. Now, this device is undoubtedly the simplest and most remunerative that we could adopt. The existing rate of the road and public works cess which is levied at the rate of one anna in the rupee on agricultural rents brings in about Rs. 75 lakhs a year. Consequently, the imposition of an additional anna would nearly cover what I have called our "bedrock deficit." The cess, as the Council are aware, is collected along with the land revenue without any trouble or expense. An addition to the cess would go far to meet the objections of our critics in the Government of India and in other provinces who argue, with some justification, that the land in Bengal is not adequately taxed. Nevertheless, there are serious objections to imposing a land cess for provincial purposes. It has always been the policy to reserve this cess for local purposes, and this policy is sound in itself. We should avoid, if possible, trenching upon what is practically the only source of expanding their revenues which is open to local bodies, and for this reason, in spite of its simplicity and in spite of the fact that the imposition of a land cess would meet the legitimate criticisms which are levelled at us from outside the province, we have decided that it would not be right for us to ask the Council to vote a land cess at the present moment.

The second proposal which we have considered relates to death duties. In other countries, as the Council probably know, these death duties have been worked up into a scientific system during recent years and are the source of considerable public revenue. But the imposition of death duties in Bengal would be a new departure, affecting social and perhaps religious interests, which we should have to examine very carefully before we could take any action in the way of

putting forward proposals for public criticisms; and for these reasons, we have been compelled to discard death duties as a means of relieving us in our existing difficulty. They do constitute a valuable reserve on which we could rely in the event of taxation being necessary in the future for new schemes, and we propose to pursue our examination of the subject, but this will take time. We require money at once and death duties could not be made available at once. For these reasons we cannot rely on death duties at the present stage. We have accordingly been driven back on the proposals which have already been placed before the Council relating to stamp duties, court fees and the amusements tax.

Our Bill relating to stamp duties will not come up before the Council immediately. It has been submitted to the Government of India, whose sanction is necessary under the Devolution Rules to its introduction in this Council. It affects a number of important legal and commercial interests and will require careful scrutiny not only at our hands but also at those of the Government of India. We have reason to believe that the Government of India will be willing to let us do what we think right in this matter, having regard to the necessity of preserving a certain uniformity among certain classes of stamp duties all over India. But the Government of India have only just completed their examination of the case, and we got a telegram only yesterday containing their conclusions. We are now revising the Bill accordingly. We hope to circulate it in a few days and to bring it up next week or the week after and to get it passed before the Budget is finally discussed in March. But to-day, I am asking the Council to consider two Bills, which have been in the hands of members for some time, namely, those relating to Court-fees and the entertainments tax. All these three Bills that I have mentioned have one common element, they all impose a tax on what may be called luxuries, or what, at any rate, cannot be described as necessaries of life; they all impose a tax which will not be seriously felt by the people who are called upon to pay. If a man is going to buy a valuable property for one lakh of rupees, it makes very little difference to him whether he pays Government Rs. 1,000 or Rs. 1,500 in the way of stamp duties. Similarly, if a man is going in for litigation, whether he is going to file the simplest civil suit or the simplest criminal case, his necessary expenses will amount to at least Rs. 8 or Rs. 10, and it will make very little difference to him if he is called upon to include in his necessary expenses a few additional annas in the way of court-fees. In regard to the entertainments tax, if a man is prepared to spend 4 annas on the cheapest seat in the cinema or the theatre for his evening's entertainment, it makes very little difference to him if he is called upon to pay an extra anna to Government in the way of an entertainments tax. Similar arguments apply to the more expensive forms of litigation and entertainments; and so I claim that there is a clear and definite principle underlying the Bills which I am now

presenting to the Council, namely, that the tax will be paid by a limited class of persons who have definitely resolved to go in for a certain course of action and that the new taxation which we propose will add very little to the expenditure which such person must incur if he undertakes any liability at all. It is very difficult for us at the present moment to frame any exact estimate of the amount of money that we shall get in by means of these Bills, but the two stamp Bills have been drawn up on the assumption that the enhanced rates of duty which we propose will bring in about a 50 per cent. increase on the existing rates; while for the entertainments tax, we have adopted the English rate of 25 per cent. of the admission fee. During the current year, on the revised estimates, our revenue from non-judicial stamps is expected to be just under a crore and that from court-fees about Rs. 160 lakhs, so that a 50 per cent. increase should bring in about Rs. 130 lakhs, but it is possible that some diminution of revenue will follow the imposition of increased duties, and we think it safer, therefore, to estimate, for present purposes, our receipts from stamp duties and court-fees at about a crore and 20 lakhs of rupees. It is even more difficult to make any estimate about the amusements tax, because it is an entirely new thing in Bengal, but from such information as we have been able to obtain regarding the seating capacity of places of entertainments in Calcutta, we think we might get from this source a sum of between Rs. 12 and Rs. 15 lakhs a year, and we should get about the same from the betting tax. That is to say, as far as we can estimate at present, our total receipts from the proposals which we now place before the Council, will amount to something approaching Rs. 150 lakhs, and will leave us a surplus of about Rs. 60 lakhs after providing for our bedrock deficit. That is very little indeed, having regard to the fact that our bedrock deficit has been arrived at, as I have explained, by cutting down our administrative requirements to the barest possible limits. Our budget deficit for the current year, leaving out the contribution to the Government of India, is Rs. 149 lakhs, so that an increased income of Rs. 150 lakhs would still leave us in very much the same position as we were at the beginning of the year. But as I have said, if we can secure a moderate surplus, it will be possible to finance a loan for capital works, thus relieving our revenue budget. If, therefore, the Council votes the increased income for which we ask, we shall be able to carry on our functions with comparative efficiency; and by maintaining the economies which we have already decided to effect, we shall have something to spare for new schemes. On the other hand, I think the Council will agree that our demands are strictly moderate and that we could not well ask for less. That, then, is the position. We recognise that the imposition of this fresh taxation will cause a certain degree of hardship to those who will be called upon to pay, but we claim that our measures have been so devised as to reduce that hardship to a minimum.

In return for the sacrifice to which we ask the Council and the public to submit, we can promise a reasonably efficient Government able to carry out its essential duties in a reasonably efficient manner. That is one picture. The other is the situation which will arise if the Council refuses our demands,—a Government reduced to paralysis and impotence, with public affairs in a state of chaos and confusion affecting the daily lives of every inhabitant of this Presidency. I ask the Council to reflect on these two pictures and to consider them well before it decides on its attitude towards our proposals. There are times in the history of nations and of individuals when men are tempted to adopt a desperate course of action, but it is seldom that such action is not followed by bitter after-regrets. I ask the Council to weigh the present problem sanely, soberly, and calmly, in the same way that they, as sensible men, would tackle a similar problem in their own business or in their own homes.

I do not think I need add any further general remarks on the situation which our proposals are designed to meet. I now beg to introduce the Bengal Amusements Tax Bill, 1922. I propose to reserve my remarks on the Bill till I move the next resolution for referring it to a Select Committee. And as I shall have to inflict another speech on the Council in that connection, perhaps you, Sir, would think it desirable to adjourn the House at the present stage.

The Secretary then read the short title of the Bengal Amusements Tax Bill which was then deemed to be introduced.

Adjournment.

The Council was then adjourned till Friday, the 20th January, at 3 P.M., at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 20th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers and 106 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown:—
Mr. J. A. deLisle.

Starred Questions

(to which oral answers were given).

Appointment of Dr. Holt in the Dacca University.

*VI. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that Dr. Holt's connection with the Dacca University has ceased;

(*ii*) whether it a fact that he was appointed on a contract for two years or so, and that he has been induced to resign his appointment on payment of a lump sum of nearly Rs. 10,000 or so, in full settlement of his claims;

(*iii*) the total amount of money Dr. Holt has cost the University;

(*iv*) the total amount of work done by him during his tenure of office;

(*v*) the specific nature of his work; and

(*vi*) the number of hours of his official duties per week, if any?

(*b*) Will the Hon'ble the Minister be pleased to state whether it is a fact that the Dacca University has got no well-equipped gymnasium attached to it for want of adequate funds, and that Dr. Holt had no work to do?

(*c*) Will the Hon'ble the Minister be pleased to state who is responsible for Dr. Holt's appointment?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) (*i*) It is a fact.

(*ii*) He was appointed for two years: the appointment has been terminated by mutual agreement on terms which include the payment to Dr. Holt of Rs. 89,995-13-4 and the acceptance of Dr. Holt's obligation to pay the Government of the Straits Settlement £228.

(*iii*) Rs. 10,475-10-8 *plus* the above sum of £228.

(*iv*), (*v*) and (*vi*) Dr. Holt submitted a scheme for a school for the training of teachers in Physical Education to be provided with Anatomical and Physiological Laboratories. The finances of the University did not permit the realisation of the scheme, and in view of the financial stringency, the Executive Council recommended that the engagement with Dr. Holt should be terminated on terms mutually agreed on. As his intentions were not realised, no detailed statement of his work and of the number of hours to be devoted to it was ever drawn up.

(*b*) A properly equipped gymnasium is being provided, but a great deal of work in Physical Education is possible without a gymnasium and there was plenty of work for Dr. Holt to do with the material at his disposal.

(*c*) The Governor of Bengal on the recommendations of the advisory committee constituted under section 50 of the Dacca University Act, and acting under the statutory powers vested in him under that section.

"Basudev Mandir" in Bakarganj.

***VII. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what action, if any, has been taken for the repair of the ancient monument known as "Basudev Mandir" at Uttershahbazpur, within the District of Bakarganj?

The Hon'ble Mr. P. C. MITTER: The only monument that is considered worth preserving in Uttarshahbazpur in the district of Bakarganj is the ancient Moth at Gobindpur; the so-called "Basudev Mandir," being a lately restored building, is of no archæological interest. Proposals for the protection and preservation of the former building are being made to the Government of India, who have taken over the charge of the maintenance of all protected monuments.

Railway embankments and obstructions of free passage of water.

***VIII. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the serious obstructions

caused by the railway embankments all over the province to the free passage of water?

(*b*) If so, what action, if any, has been taken or what action is it proposed to take in the matter?

(*c*) Are the Government considering the desirability of taking any action for the removal of similar obstructions caused by the district board roads in the past, and to prevent such obstructions in future?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) The answer is in the affirmative.

(*b*) It is proposed to arrange for a preliminary investigation under the Chief Engineer, Public Health Department, and if the financial position of Government permits, an expert will be appointed to carry out the survey during the next rains.

(*c*) Government have no information in the matter but an inquiry will be made in connection with the proposed survey.

Unstarred Questions

(answers to which were laid on the table).

Primary Education.

67. Babu AMULYA DHONE ADDY: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what steps, if any, have been taken for the encouragement of primary education in Bengal?

The Hon'ble Mr. P. C. MITTER: Reference is invited to the reply given on the 19th December last, to unstarred question No. 1, asked by the member which covers the action taken by Government and by local bodies.

Kidderpore, Alipore and Tollygunge Bridges.

68. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps, if any, have been taken—

(*i*) for the early completion of the construction of the Kidderpore bridge;

(*ii*) for the widening of the Alipore bridge; and

(*iii*) for the widening of the Tollygunge bridge?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*i*) In the Kidderpore bridge steel-work is well in hand and Government is pushing on with the construction as hard as possible.

(*ii*) and (*iii*) The rough estimates of widening the Alipore and Tollygunge bridges are under preparation.

Babu AMULYA DHONE ADDY: With regard to question 68, may I ask when the construction of the Kidderpore bridge is likely to be completed.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: I should like to ask that question myself. The work is in the hands of the Engineers.

Babu AMULYA DHONE ADDY: May I ask whether the period of the contract for the construction of this bridge is over or not?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: Yes, it is over.

Babu AMULYA DHONE ADDY: May I further ask whether a penalty is being inflicted on the contractor for the unnecessary delay in the completion of the construction of the bridge?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: All these matters are now under consideration in the Department.

Appointment of Sub-registrars.

69. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) out of 14 Sub-registrars appointed this year how many were appointed from the Calcutta, and Presidency and Burdwan Divisions, respectively;

(*ii*) how many of them were Muhammadans; and

(*iii*) whether the number taken from these places was in proportion to the importance of these places?

(*b*) If no Muhammadan was taken, from these places will the Hon'ble the Minister be pleased to state the reasons?

(*c*) Is it not a fact that Muhammadan graduates were candidates from the places?

(*d*) What are the qualifications required of Muhammadans for appointment as Sub-registrars?

The Hon'ble Mr. P. C. MITTER: (*a*) (*i*) Calcutta—nil; Presidency Division—1; Burdwan—3.

(*ii*) None.

(*iii*) In making appointments in the Registration Department the importance of particular areas or towns is not taken into consideration.

(*b*) The principle followed in making these appointments is that of giving one-third of the appointments to Muhammadans in Western Bengal, and one-half in Eastern Bengal. The accepted proportion is 43 per cent. Muhammadans and 57 per cent. non-Muhammadans of the total cadre.

(*c*) Yes.

(*d*) A copy of the Rules for appointment in the Registration Department is laid on the table.

Rules for Appointment in the Registration Department referred to in the reply to clause (d) of question No. 69.

[As corrected up to 1st September, 1919—*vide* Notification No 14 T.-R., dated 20th April, 1918, Notification No 2290 Regtn, dated 10th March, 1919, and Notification No 910 T. R., dated 28th July, 1919.]

1. The number of probationers to be appointed in the Registration Department will be determined each year by the Governor in Council. The number of appointments to be made and the authorities by whom nominations for these appointments will be made will be notified in the *Calcutta Gazette* as soon as possible after the 1st August of each year.

2. Ordinarily 75 per cent. of the appointments will be made on the nomination of the Commissioners of Divisions and 25 per cent. on the nomination of the Inspector-General of Registration. The Governor in Council reserves the power to make appointments in exceptional cases without calling for nominations.

3. Candidates nominated by the Commissioner of a Division must ordinarily fulfil the following conditions:—

(*a*) they must belong to families resident or domiciled in the Division;

(*b*) they must be of good character;

(*c*) they must be of sound health and robust constitution;

(*d*) they must not be under 20 or over 25 years of age on the 31st December of the year to which the nomination relates;

(*e*) (i) they must have passed the I.A. or I.Sc. examination of the Calcutta University, or the corresponding examinations of any other recognized Indian University, or have qualifications declared by Government to be equivalent to passing such examinations; or

(*ii*) they must have passed the higher standard or the final examination of the Arabic Department of a recognised Madrassa, and have sufficient knowledge of English for the proper performance of the duties of a Sub-Registrar;

(*f*) they must be able to read with facility documents written in Bengali.

4. Candidates nominated by the Inspector-General of Registration must fulfil the conditions (*b*) to (*f*) in rule 3.

5. The Commissioners of Divisions and the Inspector-General of Registration are not precluded from nominating persons who may be eligible under rule 3 (*d*) and (*e*), but whose claims appear for particular reasons to deserve special consideration, and who have sufficient knowledge of English to enable them to discharge efficiently the duties of a Sub-Registrar.

6. (*a*) For each appointment allotted to the Division, every District Officer will submit to the Commissioner, on or before a date to be fixed by the latter, the names of the two candidates belonging to families resident or domiciled in his district. In submitting these he will give in Form I appended to these rules, a brief statement of the grounds of his recommendation in each case. Form I should be accompanied by a certificate of character and conduct from the Principal of the Institution at which the candidate last studied for not less than one year, or from some responsible officer of Government, a medical certficate in Form II appended to these rules, and evidence of the candidate's age and educational qualifications.

(*b*) The Commissioner and the District Officer in his Division will meet on a date to be fixed by the Commissioner, and will consider the claims of all the candidates nominated. They will also call the candidates before them and see and converse with them so as to form an opinion regarding their suitability. The Commissioner will then select two names for each of the appointments to be made on his nomination and submit them in order of preference to Government by a date not later than 1st October, stating his reasons for the preference given. With his report submitting these names the Commissioner will submit Forms I and II for all candidates, entering in each case in the last column of Form I his own opinion as to the suitability of the candidate.

(*c*) In making nominations special attention should be paid to social qualifications and family status and influence, to services rendered by the candidate's father or his family, to the claims of backward communities, and to the possession of a robust constitution.

7. The Inspector-General of Registration will submit to Government in Form I, on or before the 1st October in each year, two names for each appointment to be made on his nomination.

8. Each probationer will get an allowance of Rs. 30 per month. Appointments in grade V of Sub-Registrars will be given to approved probationers as vacancies in the cadre occur. Probationers will, as far as possible, be posted to offices in the Division to which they belong, but after confirmation they will be liable to transfer at any time to any office in the Province at the discretion of Government.

9. The Governor in Council may, in special cases, declare the period of probation to be unnecessary and may also make direct appointments to the higher grades of Sub-Registrars.

FORM I.

Column 1.—Name of candidate and address in full.

Column 2.—Father's name, profession or occupation and address in full.

Column 3.—Religion and caste or race.

Column 4.—Date of birth (day and month to be given).

Column 5.—Educational qualifications.

Column 6.—Other information regarding the candidate (physique, moral character, present occupation, etc), including a declaration whether or not he has at any time been pronounced unfit for Government employment by the Medical Board at the India Office, or any other duly constituted medical authority.

Column 7.—A memorandum of the status and services of members of the family.

Column 8.—Special claims for consideration.

Column 9.—Remarks indicating degree of District Officer's personal knowledge of candidate and sources of information about him, with Commissioner's opinion as to the suitability of the candidate.

FORM II.

(Bengal Civil Medical Department Form No. 38.)

[Medical Certificate under Bengal Government Resolution No. 3399-Medl., dated the 30th June, 1897.]

Special Certificate of Physical Fitness for Government Service

I, *do hereby certify that I have examined , a candidate for employment in . His age is by his own statement

(*a*) General conformation.	(*g*) Spleen.
(*b*) Vision.	(*h*) Hernia, present, or absent. †
(*c*) Hearing.	(*i*) Hydrocele, present or absent. †
(*d*) Lungs.	(*j*) Glycosuria, present or absent. †
(*e*) Heart.	(*k*) Albuminuria present or absent. †
(*f*) Liver.	(*l*) Distinguishing marks.

I consider that he is of sound health and good physique, and capable of bearing fatigue and exposure, and that he is fit to enter the service of Government. †

I consider him unfit to enter the service of Government for the reason given at†

Place

Date

Civil Surgeon.

* Designation of Medical Officer.

† Strike out "present" or "absent" in (*h*), (*i*), (*j*), (*k*), and whichever of the concluding sentences does not apply.

L. BIRLEY,

Secretary to the Government of Bengal.

Convictions in murder cases in the 24-Parganas district.

70. Maulvi RAFI UDDIN AHMED: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state the number of murder cases during the last ten years—

(*i*) in the district of the 24-Parganas; and

(*ii*) in thana Baduria, in the same district?

(*b*) Will the Hon'ble the Member be pleased to state—

(*i*) how many of these cases ended in conviction; and

(*ii*) the reasons for failure of conviction in a large number of cases from Baduria?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) (*i*), (*a*) (*a*) and (*b*) (*i*) Statements are laid on the table.

(*b*) (*ii*) It is impossible to give a general answer.

Statement referred in the answer to unstarred question No. 70 (a) (i) and (b) (i) showing murder cases reported from 1912 to 1921 in the 24-Parganas district.

Year.	Cases.	Convictions.
1912	30	1
1913	18	4
1914	26	2
1915	29	2
1916	26	4
1917	37	1
1918	38	2
1919	31	2
1920	47	3
1921	36	3

Statement referred in the answer to unstarred question No. 70 (a) (ii) and (b) (i) showing murder cases reported at Baduria police-station in the 24-Parganas district.

Year.	Cases.	Convictions.
1912	1	Nil.
1913	2	"
1914	4	"
1915	3	"
1916	2	"
1917	4	"
1918	5	"
1919	3	"
1920	5	"
1921	7*	1
	—	—
	36	1
	—	—

* Three cases are pending.

Revision of Ministerial Officers' pay.

71. Maulvi RAFI UDDIN AHMED: (*a*) Is the Hon'ble the Member in charge of the Department of Finance aware that distress and unrest are prevailing among the ministerial officers of Bengal on account of the delay in giving effect to the revised scheme of the pay as recommended by the Salaries Committee and considered by this Council in the last August session?

(*b*) Will the Hon'ble the Member be pleased to state how long it will take to give a final shape to the scheme?

(*c*) Will the Hon'ble the Member be pleased to state whether he has received a telegram from the President of the All-Bengal Ministerial Officers' Conference held at Barisal on the 28th December, 1921, regarding the increase of pay of the ministerial officers?

(*d*) If so, are the Government considering the desirability of laying on the table a copy of the telegram?

(*e*) What effect, if any, do the Government propose to give to the prayer made in the telegram?

(*f*) Are the Government considering the desirability of giving effect to the revised scheme of pay from the beginning of the current financial year as provided in the current year's budget?

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. Kerr): (*a*) Government have received representations to this effect.

(*b*) The recommendations of the Salaries Committee in respect of the revision of the pay of the ministerial officers of the High Court and in the upper divisions of the offices of Divisional Commissioners, District Officers and District and Sessions Judges are still under the consideration of Government. These cases, it is hoped, very shortly, to refer to the Government of India. The cases of all other ministerial officers dealt with by the Salaries Committee have been already referred to the Government of India with the request that early orders may be passed regarding them.

(*c*) Yes.

(*d*) and (*e*) A copy of the telegram is laid on the Library table. In framing their proposals for submission to the Government of India, Government have given due consideration to the representations made therein.

(*f*) Government regret that in view of the financial position this is not possible.

Income-tax establishments.

72. Babu BROJENDRA KISHOR RAY CHAUDHURI: With reference to the statement made in the Statement of Objects and Reasons

of the Income-tax Bill recently introduced in the Indian Legislature, to the effect that hereafter the Provincial Governments will not be required to meet any part of the cost of the income-tax establishments, will the Hon'ble the Member in charge of the Department of Finance be pleased to state the amount to be saved to this Government by this proposed remission in 1922-23, and whether such remission is likely to yield a net gain to the Government of Bengal in the year 1922-23, under the arrangement laid down in Rule 15 of the Devolution Rules?

The Hon'ble Mr. KERR: No part of the cost of income-tax establishments falls upon the local Governments at present, since during the current year the assignment made by the Government of India has covered the entire cost. By a recent alteration of rule 15 of the Devolution Rules, which comes into force on the 1st April, 1922, the entire cost of income-tax establishments in the provinces will be borne by the Central Government. The Income-tax Bill will merely confirm the arrangement. There will therefore be no remission and no gain to the local Government by the passing of the Bill.

Diet of patients in Calcutta Medical and Campbell hospitals.

73. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to make a statement showing the average cost of diet per head of patients in the Calcutta Medical College and Campbell Hospitals, respectively, since and before the war?

The Hon'ble Sir SURENDRA NATH BANERJEA: A statement is laid on the table.

Statement referred to in unstarred question No. 73, showing the average cost of diet per patient in the Calcutta Medical College Hospital and the Campbell Hospital.

Year.	DIET CHARGE PER PATIENT.	
	Medical College Hospital.	Campbell Hospital.
	Rs.	Rs.
1913	7·93	3·75
1914	8·78	4·11
1915	9·19	4·17
1916	9·19	4·47
1917	9·28	5·69
1918	9·84	5·1
1919	11·11	5·07
1920	13·05	7 15

Bengal and Calcutta constabulary.

74. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Member in charge of the Department of Police be pleased to lay on the table a statement showing—

(*i*) the number of vacancies in the Calcutta and the Bengal constabulary, respectively, and

(*ii*) the number of Bengalis recruited to each, since the recent revision of pay of constables?

The Hon'ble Sir HENRY WHEELER: A statement is laid on the table.

Statement referred to in unstarred question No. 74.

Calcutta Police—	
Number of vacancies in the rank of constables at the end of 1921	185
Number of recruit constables enlisted between 1st October, 1920, and 31st December, 1921	1,172
Number of Bengali recruit constables enlisted between 1st October, 1920, and 31st December, 1921	90
Bengal Police—	
Number of vacancies in the rank of constables at the end of 1921	351
Number of recruit constables enlisted between 1st October, 1920, and 31st December, 1921	2,066
Number of Bengali recruit constables enlisted between 1st October, 1920, and 31st December, 1921	1,132

Primary Education.

75. Babu BROJENDRA KISHOR RAY CHAUDHURI: With reference to the proposal for the establishment of Social Welfare Centres as outlined in Mr. E. Biss' report on the expansion and improvement of Primary Education, will the Hon'ble the Minister in charge of the Department of Education be pleased to state what progress, if any, has been made in the matter?

The Hon'ble Mr. P. C. MITTER: The opinions of local bodies, of public associations and of individuals were invited in Government Resolution No. 1284 Edn., dated 2nd July, 1921, and some, not many, replies have been received. No other action has been taken.

Expense on diet for Indian and European patients in Calcutta Medical College Hospital.

76. Dr. JATINDRA NATH MOITRA: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing for the years 1900, 1910 and 1920, the expenses on diet in the Calcutta Medical College Hospital on—

(*i*) Indian, and

(*ii*) European patients?

The Hon'ble Sir SURENDRA NATH BANERJEA: The necessary statement is furnished below:—

1900—(*i*) Rs. 15,929-4-7; (*ii*) Rs. 23,622-2-2.

1910—(*i*) Rs. 24,526-8-9; (*ii*) Rs. 43,239-5-5.

1920—(*i*) Rs. 68,144-3-11; (*ii*) Rs. 64,229-6-1.

Imperial grant to Dacca University.

77. Rai RADHA CHARAN PAL Bahadur: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that there is an Imperial grant of over sixty lakhs of rupees in favour of the Dacca University;

(*ii*) whether it is a fact that the grant is merged in the Bengal balances;

(*iii*) what amount has been given to the Dacca University out of this Imperial grant;

(*iv*) how much the Dacca University can still claim from the Government from this Imperial grant; and

(*v*) what is the total grant provided for the Dacca University in the current year's Budget (including recurring and non-recurring expenses and expenses for building work, etc.)?

The Hon'ble Mr. P. C. MITTER: (*i*) The balance of the grant on the 31st March, 1921, was Rs. 51,36,000.

(*ii*) It is so merged.

(*iii*) Expenditure from the grant up to the end of the financial year 1920-21 was Rs. 22,69,000. Under section 14 (*a*) of the Devolution Rules the said grant has become part of the Provincial assets. Earmarked grants as such have no longer any existence.

(*iv*) The Dacca University can not claim anything, but the balance, if estimated, would amount to Rs. 51,36,000.

(*v*) Rs. 5,00,000 recurring; Rs. 4,00,000 non-recurring in Education Budget; Rs. 6,02,700 for works in progress; Rs. 51,607 for new works in Public Works Department budget. Total Rs. 15,54,307.

Silting up of rivers in Dacca.

78. Babu JOGENDRA NATH ROY: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state whether he is aware of the fact that owing to the silting up of the Brahmaputra, the Padma and the Dhaleswary, many parts of the Dacca district have been inaccessible and insanitary?

(*b*) Will the Hon'ble the Member be pleased to state the amount that has been spent in dredging these rivers within the last ten years for improving the communications and the sanitation of the district?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: (*a*) The member is referred to the answer given to his unstarred question No. 24 asked at the Council meeting of 28th February, 1921, also to answer (*a*) of his unstarred question No. 51 of the 14th March, 1921.

(*b*) The amount spent on improving the rivers Padma and the Dhaleswary including the Buriganga is shown in the subjoined table. Owing to the paucity of staff, funds and dredging machinery, it has not been possible to take up the improvement of the Brahmaputra river.

Statement referred to in unstarred question No. 78, showing the amount spent on improving the rivers Padma and Dhaleswary, including the Buriganga, within the last 10 years.

	Burriganga and Dhaleswary rivers.	River Padma.
	Rs.	Rs.
1911-12	42,773	22,543
1912-13	49,268	54,332
1913-14	62,200	61,847
1914-15	56,899	66,239
1915-16	29,599	7,051
1916-17	32,942	13,799
1917-18	25,128	17,319
1918-19	17,604	11,955
1919-20	17,316	14,240
1920-21	20,529	22,480

Excise shops in the Asansol Mining Settlement.

79. Mr. KRISHNA CHANDRA RAY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether the Government contemplate taking steps to reduce the number of country-liquor and *pachwai* shops in the mining area of the Asansol subdivision?

(*b*) What is the actual excise revenue derived from the sale c intoxicants including *ganja*, opium, country-spirit and *pachwai* in th same subdivision?

MINISTER in charge of DEPARTMENT of AGRICULTURE an INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri Khan Bahadur): (*a*) The question of reducing the number of country liquor and *pachwai* shops in the mining area of the Asansol subdivisio will be taken up and considered in the course of the next year, in con sultation with the Local Board of the subdivision.

(*b*) Rs. 8,52,437 in 1920-21.

Honorary Presidency Magistrates.

80. Raja MANILOLL SINGH ROY: (*a*) With reference to th answer in the November session of the Council to unstarred questio No. 117 (*c*) of Babu Surendra Nath Mallik, asking for a list of th Honorary Presidency Magistrates with single sitting powers exercising second or third class powers outside Calcutta, the Hon'ble the Membe in charge of the Judicial Department was pleased to say "there are only two such magistrates, namely:—

1. Babu Atul Kumar Sen, and
2. Babu Jatindra Nath Sen."

(*b*) Is the Hon'ble the Member aware that Babu Atul Kumar Sen, Honorary Presidency Magistrate, with single sitting powers, has been exercising first class powers for a number of years outside Calcutta, *i.e.*, at Sealdah?

(*c*) How is it stated that he exercises second or third class powers outside Calcutta?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) and (*b*) Yes.

(*c*) By a regrettable mistake.

Sub-registrars.

81. Mr. HUSEYN SHAHEED SUHRAWARDY: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what action, if any, has been taken to better the condition of the Sub-registrars in the matter of their pay and prospects?

(*b*) If a scheme has been preparod, are the Government considering the desirability of laying it on the table?

(*c*) If no scheme has been prepared, will the Hon'ble the Minister be pleased to state the reasons for the delay?

(*d*) Has the scheme, if any, been incorporated in the next year's budget to any extent?

(*e*) If not, do the Government intend to do this?

(*f*) Is there any proposal to increase Registration fees to meet the cost of the proposed increase in the pay of the Sub-registrars?

(*g*) If so, are the Government considering the desirability of placing the proposal before the Council at an early date?

The Hon'ble Mr. P. C. MITTER: (*a*) and (*b*) The member is referred to the answers given to clauses (*b*) and (*c*) of starred question No. XVI of 29th August, 1921, and to the answers to unstarred question No. 68 of that date and starred question No. XIII of 21st November, 1921.

(*c*) This does not arise.

(*d*) and (*e*) The required provision will be made in the schedules of new expenditure, the consideration of which will depend on the taxation proposals being approved by the Council.

(*f*) The departmental proposals have not yet been formally considered by the Minister.

(*g*) If the proposal is approved, Government will be prepared to lay the papers on the table.

Hospitals and dispensaries.

82. Dr. JATINDRA NATH MOITRA: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) the number of hospitals in Bengal containing more than 100 beds; and

(*ii*) the total number of hospitals or out-door dispensaries where the average daily out-door attendance is over one hundred?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*i*) Ten.

(*ii*) Sixty.

Municipal law for Howrah town.

83. Dr. HASSAN SUHRAWARDY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the attention of the Hon'ble the Minister has been drawn to the remarks of Mr. Hopkyns in the Administration Report of the Howrah Municipality for the year 1914-15?

(*b*) Is the Hon'ble the Minister aware that the greater portion of the Calcutta Municipal Act, 1899, has been extended to the Municipality of Howrah?

(*c*) Are the Government considering the desirability of having a separate Municipal Act passed for the town of Howrah?

(*d*) With reference to the correspondence ending with the letter, dated the 1st September, 1921, written to the Hon'ble Mr. O'Malley by Babu Haripada Ray Chaudhury, a rate-payer and a municipal commissioner of Howrah, what action, if any, is it proposed to take in the matter on consideration of the provisions of law discussed in the said letter?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The answer is in the affirmative.

(*b*) A considerable number of the working sections (with modifications) have been extended.

(*c*) The reply is in the negative. The inconvenience referred to in the Administration Report does not point to the necessity of a special Howrah Act, but to the desirability of compiling a hand-book showing in convenient form which sections of the Calcutta Municipal Act have been extended. This is a work which the Municipality can undertake.

(*d*) The matter is still under consideration, with a view to amending the new secret ballot rules, to meet the difficulties pointed out by Babu Haripada Ray Chaudhury.

Government Bills.

The Bengal Amusements Tax Bill.

The Hon'ble Mr. KERR: I move "that the Bengal Amusements Tax Bill be referred to a Select Committee consisting of Mr. H. E. Spry, Mr. H. P. Duval, Sir Charles Kesteven, Nawabzada K. M. Afzal, Khan Bahadur, Mr. H. Barton, Mr. S. M. Bose, Mr. Krishna Chandra Ray Chaudhuri, Babu Annada Charan Dutta, Raj Mahendra Chandra Mitra Bahadur, Rai Radha Charan Pal Bahadur, Mr. W. R. Rae, Dr. Abdull-al-Mamun Suhrawardy and myself, with instructions to submit their report for presentation to the Council as soon as possible".

Since this Bill was first circulated, we have added a new chapter imposing a tax on certain forms of betting, as well as a tax on entertainments proper. In regard to the entertainments tax, the most important provision in the Bill is clause 3, which shows the rates of the tax which we propose to impose. These rates, as I have said, are based upon the English rates. They will, no doubt, be scrutinized carefully in the Select Committee, and we shall, of course, be perfectly ready to consider any criticisms which we may receive either from the members of the Select Committee or from the outside public. I am not myself altogether satisfied with the scale of taxation in clause 3, and we have received various criticisms all of which will receive our

most careful consideration. The rest of the chapter relating to machinery is taken from the latest edition of the English Act, with modifications necessary to suit local conditions. This taxation was first imposed in England in 1916. It has been amended on various occasions since, and the latest Act was passed only in March last. I may add that in England, the tax brings in over £10 millions a year, or more than 150 lakhs of rupees. In Bengal we do not anticipate that we shall get more than Rs. 15 lakhs out of the tax. In other words, the population of Bengal is being asked to contribute to Government on account of its amusements less than one-tenth of the sum which is paid on this account by the population of Great Britain, which is very much about the same size as that of Bengal. It will be noticed that we have provided for the exemption from the operation of the amusements tax of all entertainments of a philanthropic, charitable or educational nature, and such festivities as agricultural shows and the like. Also, we propose that the Bill should apply, in the first instance, only to Calcutta, Dacca and Darjeeling. We have selected these places, because the amount of revenue obtainable there is considerable. We do not think it worth while to extend the Bill to smaller towns until we see how it works in the larger places. It would, of course, be useless to extend the Bill to any place where the cost of collecting the tax would be greater than the receipts, or very nearly the same as the receipts. There seems to be some misapprehension in various quarters that the effect of the Bill will be to impose a tax on *jatras* and similar amusements in the mufassal. That, however, is not the cause at all. As I have explained, we propose that the Bill should apply, in the first instance, only to Calcutta, Howrah and certain of the surburbs and to the towns of Dacca and Darjeeling. It is very unlikely that the Bill will ever be extended to mufassal villages at all. In the second place, the Bill imposes a tax only on the public resorting to those places of entertainment for which admission fees are charged. The Bill will not affect in any way those entertainments to which admission is free.

As regards the tax on certain forms of betting, we have added these provisions in response to an opinion very widely expressed that this would be a very suitable source of revenue. I should like to explain clearly that the Bill does not mean that we are recognising betting to a greater extent than we do at present. Under the Bengal Public Gambling Amendment Act, 1913, betting is legal, if carried out on a horse-race on the day when such race is to be run and in an enclosure which the Stewards controlling the race have, with the sanction of the Local Government, set apart for the purpose. It is only this legal betting which is affected by the Bill. We do not, of course, propose to make any money out of illegal betting at all. In drawing up the Bill, we have been greatly assisted by the advice of the Stewards of the Royal Calcutta Turf Club. The Stewards are, of course, in no way responsible for the Bill; I am afraid they do not like the Bill very much;

but I feel that I should publicly acknowledge the great value of the assistance and advice we have received from them. I am not myself what is popularly called a racing man. During my occasional visits to races, my betting is confined to a modest ticket in the totalisator; and the same remark applies to Mr. Spry and other officers of the Finance Department. So we cannot profess to call ourselves experts in this matter, and had it not been for the assistance of the Stewards of the Royal Calcutta Turf Club, we should have found it very difficult to put any workable measure before the Council at all. It will be seen that we propose to tax two forms of betting. The first is betting on the totalisator. The totalisator at the Calcutta Turf Club has a yearly turnover of about 2½ crores of rupees. That is an enormous sum which, I am sure, the Council will agree with me, we are justified in taxing. At the same time, it would be a mistake to tax this source too highly. Totalisator betting is, I think, everyone will agree, the least objectionable form of betting; and if we reduced unduly the profits to be made out of this form of betting, we should merely drive people to illicit gambling. So, after considering the laws in force in the British Colonies and other countries, where betting taxes are levied, we have thought it right to limit ourselves to 4 per cent. In the case of bookmakers, we provide for a tax of 2½ per cent. on payments made by them to winning backers. We have done this in order to equalise the tax on betting with bookmakers as far as possible with the tax on betting at the totalisator. I think that some members are a little puzzled as to why we have put a tax of 4 per cent. on the totalisator, and only 2½ per cent. on the payments made by bookmakers. The reason is this: the Turf Club at the present time make a deduction of 10 per cent .from all investments in the totalisator; with this revenue, they pay the expenses of the totalisator, which amount to about 5 lakhs of rupees a year and a considerable portion of the expenses of running the race meetings. Any balance over they distribute to charities, and, as everyone knows, their annual distribution to charities is on a very liberal scale. The Turf Club represented to us that it would be risky to raise the deduction from the totalisator investments above 12½ per cent., because that would discourage the people from betting at the totalisator and drive them to other and more objectionable forms of gambling. Consequently, if the Turf Club pursue what is, I believe, their intention of raising the deduction from the totalisator takings to 12½ per cent., and if we take 4 per cent. under this Bill, 2½ per cent. out of the 4 per cent. will be paid by the public and 1½ per cent. by the Turf Club. It is for this reason that we have fixed the contribution to be levied on the bookmakers' payments at 2½ per cent., so that it will correspond with the levy of 2½ per cent. which we shall take from the investments made by the public in the totalisator. I hope that this point is now clear. It will be observed that the tax on betting with bookmakers like the tax on the totalisator is a tax on the winning public and not a tax on bookmakers at all. Bookmakers already pay income-tax on their profits, and we have thought

that it would not be fair to impose additional taxation on a small clas like the bookmakers. What we want to get at is the betting public, an this we shall do by the provisions of our Bill.

The Bill is, of course, an entirely novel thing in Bengal, and as I hav said, we shall be only too ready to consider any suggestions that we ma receive either from members of the Select Committee or from the genera public. We have allowed time up to the 31st January for receivin opinions on the Bill, and we hope that the Select Committee will begi its settings early in February, when the opinions have come in. Hi Excellency has appointed Sir Charles Kesteven to be an expert membe of this Council and of the Select Committee for purposes of the Bill. W considered the question of putting an expert member to represent othe forms of amusements, but it is difficult to find any man representativ of all the various interests which are affected by the first chapter of th Bill. I propose, however, to suggest to the Select Committee that we should summon before us witnesses representing the theatrical profession, the cinema profession and other important forms of public entertainments, and that we should hear what they have to say, before we submit our final conclusions to this Council. In this way, I hope that we shall be able to lay before the Council next month a thoroughly workable Bill on which we shall be able to rely for a considerable portion of the revenue which we so urgently need.

Colonel A. J. PUGH: At this stage, I desire to make a few comments on the principle and the general provisions of this Bill, without going into any details.

This Bill has become necessary in order to meet the deficit of our next budget. Its object, therefore, is to raise money. But it is a tax on the people's amusements and entertainments, and we are, therefore, likely to to meet with some opposition, and to enable the tax-payer to feel that his contribution is going to be used by Government for a worthy object with which no one can quarrel, I would ask the Hon'ble the Finance Member to again consider if he cannot introduce a provision in the Bill stating that the proceeds of this tax will be earmarked, and, in the first instance, be spent for some objects like expenses for the upkeep of hospitals, charitable dispensaries, medical schools, orphanages and the like. When a man is made to pay for his amusement the question of sentiment plays a part, and he would be less likely to grumble if he feels that he is thereby helping some philanthropic or charitable work in charge of the Government. It is only a matter of keeping a separate account for this earmarked fund which, however, would form a part of the general revenues of the Province. At the same time, it would release other sums now contributed which would then be used for the general revenue.

This suggestion is partly based on a similar provision which I find in the law relating to the Amusements Tax in France. For instance,

there, I find that " out of the income derived from the above tax, " it is provided that the following shall first be paid:—

(*a*) One million francs to the State Orphanage.

(*b*) One million francs to the State Institution for those mutilated and wounded in the War.

(*c*) Three million francs for scientific research, of which one million francs are ear-marked for research in connection with tuberculosis and cancer.

(*d*) Two million francs for helping the establishment and work of laboratories for farming, research, and so on.

The next point which I would urge before you is that the principle underlying this Bill is too restricted in scope, with the result that all types of entertainments and amusements have been placed on the same footing, instead of being classified. They are going to be made to pay the tax on a uniform basis, although this will result in inequality and injustice. If this tax were meant merely as a temporary measure, I would not complain. But I do not think in the matter of taxation it is right to place the prize ring, or a horse race on the same footing as an exhibition of fine arts held say by the Society of Oriental Art. I would not put the theatre on the same footing as a cinema. Art has its immemorial rights, and even when we are compelled to tax it for purposes of revenue, it should have differential treatment; cinemas, on the other hand, could better stand a burden had it not been for the fact that the Government has permitted the Central Government to encroach on its preserves by imposing a 20 per cent. duty on films. I am not sure that the Central Government is not eating the cake leaving us only the crumbs and that between us there will soon be no cake to eat. Any encroachment on the Scheduled Taxes by the Central Government should be strenuously opposed. I am aware of the fact that in the English Act of 1916, all entertainments were similarly treated for purposes of taxation. This Bill has merely copied that Act. But in 1916, England, in the midst of the War, passed the Entertainments Tax more as a War Measure than otherwise, so that the preferential claims of different types of amusements were not fully considered, in fact they were really not considered at all. On the other hand we find that France has gone about the business in a thorough manner and has worked out its proposals on what seems to me to be sound principles. For instance, in France, a tax is imposed on shows and attractions and similar diversions on the following scale:—

1. Theatre, café-chantant, phonograph, séances, circus, menagerie, jugglery, salons, society balls and foreign or occassional balls and all other similar shows, attractions, exhibitions, plays, amusements to which the public are admitted for payment—6 per cent. of the gross receipts.
2. Music hall, cycle automobile, foot and sailing races, billiard matches—10 per cent. of the gross receipts.

3. Cinematograph—10 per cent. up to 15,000 francs monthly receipts, 15 per cent. from 15,001 to 50,000 francs, 20 per cent. from 50,001 to 100,000 francs, 25 per cent. above 100,000 francs.

4. Dancing, balls, skating, matches of strength, bull-fights, cock-fights, tea concerts, tea dancing, dinner dancing, and similar establishments—25 per cent. of the admission and of all receipts.

It is not possible here to discuss the principle underlying this scale of differential rates. I can only add that unless this tax is to be of a temporary nature, these principles should be carefully considered, and I would ask the Finance Member to go into this matter with due consideration before we pass the Bill.

The next provision in the Bill which requires attention is that the tax is to be recovered on the value of the admission tickets only. There are two main objections to this. One is that a proprietor, say of a cinema or the promoter of an entertainment would be able, if he so chose, to avoid the tax to a large extent by having a system of two tickets, one for admission which may be priced low, and the other for the use of a particular kind of seat, which may be a reserved seat, or a seat in a particular part of the house. Another objection to this system is that it would be expensive to collect and would in some cases be needlessly irritating. The other and probably the cheaper method would be a tax of a percentage as in France on the gross collections, different percentages being fixed for different types or classes of amusements. Each proprietor, manager, or promoter of an entertainment would be compelled to take out a license temporary or otherwise, for the entertainment. This would give due notice to the revenue authorities of the holding of the entertainment. They could then be present or get a verified return of the gross collection, and collection would be comparatively easy. I would, therefore, press this matter on the attention of the Hon'ble Finance Member. I am aware that the two methods were fully discussed when the English Bill was before Parliament, but I am not satisfied that the English method is better than the French method for this country. The method I suggest is, I see, supported by Mr. Madan.

I would also like to know whether it is the policy of this Bill to exempt entertainments like dances, skating rinks (*e.g.*, roller skating), merry-go-rounds, and similar places of entertainments, where those who pay for their enjoyment are themselves the performers, and are neither "spectators" nor "audience" according to the definition in the Bill of the word "admission." A definite assurance to this effect was given in England, and I would like the Finance Member to repeat it.

I have only one more suggestion to make at this stage. I do not think that penalties should be inflicted on the person admitted as contemplated in the Bill. In this country, where literacy is hardly at 5 per cent.

you cannot expect the person admitted to find out whether the ticket which he has purchased has been properly stamped or embossed. It may lead to needless pin-pricks, and probably much dishonesty. Further, how do you expect a person admitted to find out, and to be sure, that the proprietor has made some arrangement for payment of the tax direct with the Government, as he may under the provisions of clause 4 of the Bill? In any case, I would strongly urge on the Member in charge to delete this penalty clause as far as the person admitted is concerned, or, at any rate, such person should not be made liable unless a dishonest intention to defraud the Exchequer can be proved against him.

As regards the Betting tax, I desire to make a few remarks at this stage. A glance at the clauses shows that the Finance Member is, apparently, not a racing or a betting man, otherwise he would have known that there are two parties to a bet, the Backer and the Fielder. He has only taxed the Backer, but the Backer does not always win; and if the Backer is to be taxed on what he receives from the Bookmaker, the Bookmaker should be taxed on what he receives from the Backer. The thousands of rupees which he gets from the Backers should be taxed. If a person bets with the Bookmakers, say, 2 lakhs of rupees, you get Rs. 8,000 from the totalisator, but if he goes and puts it with the Bookmaker you get only Rs. 5,000. If my suggestion is carried out, then the Bookmaker will have to go. He must go. You are giving him a preference over the public revenue. He has under the Bill got to pay nothing at all. I hear that the Bookmakers say that they are not being treated fairly, but as a matter of fact, in this case, the Bookmakers are going to have a very unfair advantage. Under the Bill, the Bookmaker has not got to pay any tax at all. He is taking credit for what the Backer has to pay. The winning Backer will get back his money less 2½ per cent. But what does the Bookmaker pay? You are not taxing him. On the other hand, you are taxing every ten rupees that the Backer pays. That seems to me to be very unfair. I may mention that a few years ago the Stewards of the Turf Club decided to abolish the Bookmakers. It was at the instance of the racing public that they were retained. The Stewards were wrong in giving in. The public funds will be poorer if they do not go. And if they do go, that 4 per cent. will come to the public revenue.

With these observations, I support the introduction of the Bill.

Babu SURENDRA NATH MALLIK: I have heard, with great attention, the very able and lucid statement of the Hon'ble Finance Member as to the deficit and the necessity for fresh taxation next year. I am very sorry that my 15 minutes' time will not permit me to go into figures in details at all. As a general conclusion, I must say that, so far as the next year is concerned, with the proposed reduction of Rs. 83 lakhs in the new Public Work's Department expenditure and Rs. 63 lakhs of Government of India remission, and Rs. 40 lakhs at least of this year's surplus, *i.e.*, with Rs. 186 lakhs found, any apprehension

to meet a deficit of Rs. 210 lakhs need not be grave enough to call for a fresh taxation for next year. A little more economy in expenditure would allow us to wipe out the remaining Rs. 24 lakhs. With this, as a préliminary remark, I beg to oppose all the proposals of fresh taxation either on Amusements or on Business—one and all of them. Representing as I do my constituency here, I have no other alternative but to do it. The country as a whole has lost much of the confidence in the Government, and consequently, the people are disposed to look to these proposals with considerable distrust. Owing to the Government persisting in its career of unjustifiable repressions, inspite of repeated requests to the contrary, the people of the country, naturally and legitimately, apprehend that much of the new expected income of over Rs. 1½ crores will be devoted by the Government for carrying on the repressions more effectively and to their heart's content. The people, therefore, are opposed to strengthen the rods which are meant to be broken on their backs, and to extend the jails meant for their unwarrantable captivity; and I am one of those people.

But, apart from this moral ground, there are other grave reasons based on justice and policy, which have impelled me to oppose these fresh impositions. As I do not like to be stopped again at the middle of my say, I had better summarise my reasons as briefly as I can.

(1) The first reason for which I oppose these proposals is that this is the best time and opportunity for our countrymen to get the admitted injustice done to Bengal by the Financial Adjustments removed by the constitutional method of exerting adequate moral pressure upon the Central Government. This can only be effectively done by us by throwing out, *in toto*, these proposed Bills for fresh taxation It is well known thatitis this Meston award which has been chiefly responsible for the heavy deficit, Bengal has to face, though so far as the next year is concerned, I have grave doubts whether there will be any appreciable deficit. Out of the Rs. 30 crores of revenue collected in this Province, fully Rs. 20 crores are taken away from it for the Central Government—leaving a deficit of over Rs. 2·10 crores for the Province itself. Our Provincial Government has been trying to some extent, to get this cruel wrong redressed, but with little or no success; and it is now our duty to help our Government in its endeavour by risking a crisis (which we must) to expedite the reversal of this financial adjustment, which has even been admitted by His Excellency the Governor to be so unjust to our Province. We have been called upon to contribute to the Central Government Rs. 4 crores more than Bombay and Rs. 17 crores more than Madras. This is a cruel wrong and it is clearly the duty of every son of my motherland to get it redressed by refusing these Bills of taxation and thereby putting adequate pressure on the arbiters of our fate to render justice unto us. We must refuse, therefore, to tax ourselves any further to perpetuate this gross injustice. "Out of

evil cometh good " and let that be our motto, and we must not lose this golden opportunity of pushing our just claims to the winning place.

(*2*) The second reason of my opposing these Bills is that the cost of the ordinary administration of the Province has become too heavy for us to bear, and we cannot afford to add to our burden. In the last 60 years for which we have got a Local Government in this Province, it has been the persistent policy of the Government to let the cost of administration grow from more to more at the cost and to the total disregard of the alarmingly increasing death rate, the hopelessly persisting ignorance, and the ever-dwindling indigenous industry of the people of this country. The selfish policy of " all for the administration and little for the people " can no longer be tolerated. The old order must change yielding place to the new and those ideas of the bureaucracy which cannot adjust themselves to the spirit of the new situation—they must go. Unnecessary and thoughtless waste of public monies—like spending Rs. 1,13,000 over a daroga's damage suit or paying a rent of Rs. 50,000 a year for a house for the office of the Industries Department for the supposed conservators of industries which themselves do not practically exist—these, and all of their complexion, must be things of the past. We do not see the least desire on the part of the Government to observe the smallest economy when its pet and favourite departments have to be encouraged and pampered. Last year, at the budget time, knowing full well that a terrible deficit of over Rs. 2½ crores was staring us at the face, the Government increased the expenditure on Police by Rs. 35 lakhs and that on a recurring basis. As the Government has shown scanty regard for our anxiety to make our two ends meet, they have no right or reason to expect us to support their proposals of fresh taxation. Unless the last word on retrenchments has been said and heard and given effect to, it will be a fatal mistake on our part to vote for the additional taxes for that would only whet the bureaucracy's appetite for further and fatter food and there will be proposals of additional and fresh taxation year after year to feed its ever-increasing administrative expense, under a false fetish of efficiency of which we have been hearing rather too much.

(*3*) The third reason why I oppose these schemes of taxation is that these are the only sources which are available to us to raise additional revenue for our much and hitherto neglected nation-building departments, though that again would be at no mean cost and hardship to our already overburdened and suffering people. As such, we cannot afford to spend them in meeting the current expenditure of a too expensive system of administration absolutely unsuited to our slender means. We must have money for our own national purposes—we must have money to combat the dreadful scourge of malaria which is eating into the vitals of our people and has already reduced it to " a dying race." What shall we do with Reforms and *Swaraj* if we have got to be wiped out of the face of the earth at no distant time if we cannot combat

malaria and insanitation? The most urgent national question before us is sanitation, and no question, political or social or economic, can come within miles of it. Then comes the question of mass education without which it is almost impossible to deal effectively with sanitation. And without this primary question of sanitation having been settled first and satisfactorily, it is useless to expect any improvement in indigenous industry. In this connection, I would remind the House of what His Excellency the Governor told us in this behalf in November last—

> I must warn the Council that even with the taxation proposals which we shall put forward a comparatively small portion of the surplus will be available for new expenditure.

This means that the expected amount of about Rs. 1½ crores of more will be almost wholly eaten up by the administration itself and nothing would be left to be diverted to the purposes which are of vital importance to us.

We should, therefore, most strongly oppose the imposition of fresh taxation. We must do it, not out of spite or crossness but out of a determination to risk a crisis only to redress our wrongs, expedite the rendition of financial justice to our province, and to compel adequate retrenchments in the recurring lines being made.

It may be said, as has been suggested, that if we do not vote for these fresh taxes, then the administration may come to a standstill. I do not know if the law permits His Excellency the Governor to raise the additional taxation by a process of certification all through under the Government of India Act if the Council refuse to do the same. If he has got that power, and if he uses it, then he takes upon himself alone the sole responsibility of raising these taxes and we will not have any responsibility in the matter. If, on the other hand, on the event of our refusal, His Excellency takes the other course permitted by the law, *viz.*, to dissolve this Council, then it shall be our duty to carry the issue to the country and seek re-election and come here again to oppose these proposals—so long as our wrongs are not redressed.

If, however, the Government is advised to adopt a genuine attitude of compromise, and is prepared to act in a true spirit of sensible and rational settlement, then we are prepared, in fact we would consider it our bounden duty, to see that the administration of the country is allowed to be carried on for the next year with the help of that additional taxation, and, at the same time, the pressure on the central and superior Government to bring about a speedy reversal of the unjust award of the Meston and the Joint Parliamentary Committee may not be in the least relaxed.

What, therefore, I venture to propose to my non official brother members is to vote for the taxation bills only if the Government is prepared to undertake to carry out the three following definite conditions

as a matter of fair and reasonable compromise. We would vote for these fresh taxation bills strictly as a temporary measure with a life in them for only one year, *i.e.*, up to end of March, 1923, definitely so enacted in them, provided the Government is prepared—

(*i*) to remove at once the repressive measures by withdrawing the notifications under the Criminal Law Amendment Act and the Seditious Meetings Act and other coercive measures recently adopted;

(*ii*) to take urgent steps at once and bring about within the year a redress of the present financial injustice to our Province by securing at least our purely provincial and legitimate income of over Rs. 3 crores from jute export duty or a half share in the income-tax collected in Calcutta over 90 per cent. of which is paid by the residents of Bengal, or by any other way they can, to save that amount of provincial income from the clutches of the Central Government; and

(*iii*) to place within that one year, before this Council, definite schemes of retrenchment in the recurring expenditures to relieve the country adequately from the excessively heavy cost of administration.

Let the Government pause, consider, and speak out in no vague or indefinite terms. If they do accept these three conditions then we would at once accept the Bills for one year only. If not, we straightaway reject them.

To make my position clear from any possibility of misapprehension, I must say that I am not opposed to fresh taxation, however unpleasant the duty may be, if that be hereafter found to be absolutely necessary for our nation-building work on which our mere existence depends; but I shall certainly oppose, with all my might and with all my power, any proposal of fresh taxation for carrying on the work of ordinary administration, for the excessively costly nature of which, we are by no means responsible before man and God, and which have made the Reforms a curse.

I, therefore, call upon my fellow elected members to remember the best interests of our motherland, to reject all hesitation and weakness at this critical juncture, and to take the fullest and the most legitimate advantage that has been offered to us by Providence, through the Reforms, to secure the least of what the country wants and thus justify our existence here. I need hardly assure my friends, that the method proposed by me for attaining our object, is not only legitimate and proper but is highly constitutional as well. I have not come here to wreck the Government but to work out the Reforms. Supporter of the Government as I certainly am, I am a greater supporter of my country's cause. I, therefore, earnestly hope and trust that we shall be true to

our country and shall realise that, if we cannot properly assert ourselves at this hour of our country's need, by this most constitutional method of securing our rights, then we shall grievously fail to do what is clearly and honestly our barest duty to our country. May God give us strength, not to betray the trust, that has been imposed upon us by our dear motherland.

Rai Dr. HARIDHAN DUTT Bahadur: I feel that it is a misfortune that I have been called upon to speak immediately after my eloquent friend, Babu Surendra Nath Mallik. My friend has unfurled the flag of opposition to the new taxation. I wish I could stand with him under that flag, but the lucid speech, which the Hon'ble Mr. Kerr delivered yesterday and also this morning, leaves us no other alternative but to give our equalified support to the Bills which are now under our consideration. As representatives of the people, nothing will be more acceptable to us than to oppose any extra taxation. However alluring that may be, we must not forget that there are certain situations under which we must speak out what we actually feel. On an occasion with which we are confronted at the present time, I think that we have no other alternative but to give our support to taxation to increase our revenue. The Hon'ble Mr. Kerr has very forcibly pointed out that there are three alternatives before us. The first is the raising of loans, which is impossible; the second is the carrying out of retrenchment, which has been attempted; and the third is the question of fresh taxation. My friend, Babu Surendra Nath Mallik, was one of the members of the deputation which was sent to Simla by this Council. They have come back disappointed—greatly disappointed. I regret that my friend with all his eloquence could not induce the Government of India to be less unkind to us. The fact remains that inspite of all our efforts the stony heart of the Government of India could not be moved. However anxious we may be to save our people from any imposition of fresh taxation, how can we ignore this fact that before another year passes away what stares us in the face is a deficit of nearly 95 lakhs of rupees. What has been suggested by Mr. Kerr to meet this deficit appears to me to be reasonable. Taxation you cannot avoid under those circumstances. In the first Bill taxation has been suggested on certain things which are not necessities but admittedly luxuries. If my friend or any of his adherents could find any solution out of the difficulty without fresh taxation, I, for myself, would be extremely gratified. But to come here and say I do not want any taxation, I do not think that that is a reasonable attitude to take.

Coming to the subject that is before us, *viz.*, the Amusement Bill, while I give my general support to it, I find there are certain points which should be brought to the notice of the Select Committee when it sits to discuss the Bill.

The first point that I ask the Committee to consider is whether it is expedient to tax all amusements. I think that there is necessity for

periodical amusement and relaxation especially in the case of the toiling masses. I feel that they have a beneficial affect on public health and public morals and what strikes me is that anything which tends to make innocent and healthy amusements costly for the poor will drive them to seek undesirable forms of relaxation. At the present time the most popular amusement is the cinema which is still in its initial stages in India. The proposed taxation will hit this particular industry hard and will deprive the poor of this amusement as an additional 25 per cent. will perhaps be too heavy a burden particularly to those having families. So I believe that the proposed taxation is somewhat inexpedient and should not be resorted to unless it is found to be absolutely necessary.

My second point is about the claims of Calcutta for this revenue. The anticipated revenue from this taxation is about 15 lakhs of rupees, but now that taxation on betting on race-courses has also been added, that will increase the revenue to nearly 30 lakhs of rupees. The major portion of this revenue will be derived from Calcutta and its suburbs and only a small fraction will come from Dacca, Darjeelling and Barrackpore. So the Corporation of Calcutta may justly claim the revenue. In the Corporation Committee, where I was a member, we considered this matter and we thought it was hardly fair to tax the people of Calcutta for the needs of the whole province of Bengal, and if this tax was levied, it would be only fair that the Corporation of Calcutta should get it or at least a reasonable share of it. It may be known to many of us here that the Corporation of Calcutta is at present in financial difficulty and that difficulty has to be met by some sort of revenue derived from the people of Calcutta. Naturally, the Corporation of Calcutta thought that any taxation from amusements, which would have been a legitimate field for them, had been taken from them by the Government of Bengal. In this connection, it has been pointed out to me that under the taxation schedules, attached to the Government of India Act, the tax on amusements has been allotted to the Government of Bengal. I, therefore, realise that, however anxious the Corporation might be to secure this revenue, which is equitably theirs, there is some legal difficulty in their way.

But all the same, I point out that it would be iniquitous to take away this source of revenue from the Corporation of Calcutta for the entire province of Bengal and I ask the Select Committee to consider whether a reasonable share of the revenue derived from this source should not be given to the Calcutta Corporation.

My third point is that the present time is rather inopportune for taxation of theatres and cinemas. Indian theatres and cinemas in Calcutta, if I have correct information, are now working at a loss, owing to the increased cost of films and theatrical accessories, increased wages and increased import duties of 20 per cent. instead of 7½ per cent.

The next point that strikes me is that for increasing the revenue some other means of taxation may be explored. The Scheduled Taxes provides for a tax on advertisements. It is worth while considering whether we could not raise some money by taxing advertisements and leave amusements alone. If the proposed tax must be levied I would urge before the Select Committee—

(*a*) That the claim of Calcutta for a share, as I have already pointed out, should be considered, because the Corporation is as badly off as Government, and as the people of Calcutta will contribute the bulk of the revenue.

(*b*) That games and entertainments intended for the physical improvement of the rising generation of Calcutta should be exempted from taxation.

(*c*) That the lowest class of audience who enjoy the cinemas, etc., on payment of a small fee of annas three or four might be exempted altogether.

(*d*) That the proceeds should be ear-marked, as has already been suggested by Colonel Pugh, for such beneficient purposes as primary education, hospitals, sanitation, and so forth. The Government recognises the necessity of providing more money for these purposes; so there cannot be any objection to this. This would take away the resentment which the people might feel against this taxation.

(*e*) That on going through the sections of the Bill it strikes me that the Fort of Calcutta should be brought within the operation of the Bill. There are entertainments held within the Fort to which the public are sometimes admitted.

(*f*) That in section 5, it is provided that a man who is admitted without payment of the tax should be liable to a fine of Rs. 50. It is not right to penalise people who attend but may omit to pay through ignorance.

(*g*) That it is provided that a penalty of Rs. 500 may be imposed on the proprietor who admits a person without payment of tax. This seems to be absurdly high and I hope this will be reduced by the Select Committee.

I have confined myself to the first portion of the Bill. I find that since the introduction of the Bill it has been enlarged by the addition of a second chapter which is in relation to betting in race-courses. I am not a racing man and I have no practical knowledge of it; so I shall refrain from making any remark on it.

On the whole, as I have said, the Bill is not so objectionable as some of my friends seem to think. Before I resume my seat let me again point out to my friends that if we must have taxation this is the form which is the least objectionable.

Kumar SHIB SHEKHARESWAR RAY: I oppose the Taxation Bills, and it is not on sentimental grounds that I oppose the Bills. My opposition is based on financial, political and constitutional grounds.

I want to throw out the Bills, because, by doing so, we would create a situation which is bound to draw the serious attention of the powers that be to the shabby treatment which has been meted out to Bengal by the Government of India. Out of 30 crores of rupees, the gross amount of money raised by taxation in Bengal, only nine and a half crores remain to us and the rest, Rs. 20½ crores go to the Government of India; while Bombay, whose gross receipts amount to Rs. 30½ crores only about Rs. 16½ crores go to the Government of India and nearly Rs. 14 crores remain in the province. Again, in Madras where about Rs. 20 crores is raised by taxation, about Rs. 13 crores is retained by that province and the Government of India takes only about Rs. 7 crores. Such proportion of contribution is inequitable in the extreme, and the iniquity becomes still more glaring when we see that Rs. 3 crores which is realised from jute export duty, wholly a product of Bengal, go to swell the Government of India's finance. In fairness to the Government of Bengal, I should say that they had all along protested against this iniquity, but what has been the result? Instead of the justice of our grievance being realised, we have received, as a matter of charity, a remission of our contribution of Rs. 63 lakhs, for only three years. But I must say, at the same time, that the Government of Bengal did not do all that they could constitutionally do in the matter. Had the Bengal Government emphatically protested against such treatment, backed by a sufficient insistence that Government would otherwise be impossible, would such a thing have happened? Had the heads of the executive plainly expressed their inability to serve any longer with such depleted finance, would the Government of India have still left our case unheeded? The executive has failed to put our case with proper emphasis, and we are now asked to support that very executive by supplying it with further revenue. The executive is not responsible to us, and so they might take this iniquity lying down, calmly bowing to that peremptory decision; but should we also do the same? We are the children of Bengal and Bengal belongs to us. Her interests must be paramount to us. All other petty questions must go down before that. Should we consent to suck like vampires the life-blood of the poor dying people, when they, overtaxed as they are, actually pay more than their proper quota—when the people themselves are being decimated by famine and pestilence? If we throw out these Taxation Bills, the executive, being bent on not cutting down their expenses to their resources, would have to certify the Bills and refer the matter to Parliament. I deliberately invite such a situation. Under the present situation the executive is not removable by us. It is responsible only to the Parliament, and, desperate as our situation is, we must have recourse to all constitutional means to bring our grievance to the notice of the Parliament in as emphatic a manner as possible. Then, they in Parliament, having all the papers and facts before them, would surely see the justice of our demands. For I cannot believe a Parliamentary Committee,

an absolutely disinterested body, could be partial in the matter. Then and there only can we expect justice. Not before that. We cannot possibly expect any justice from the Government of India in this matter. They have got a deficit themselves and our three crores go to alleviate their difficulties to some extent. It is to their interest to burk all our demands and deny us justice. But should we, therefore, remain silent and continue paying more than our proper share? India is a vast country, and if the Government of India want money, it can tax the whole country, but why throw their extra burden exclusively on us? It our duty to protest and here we have got the only possible constitutional means of emphatically expressing it, if we really want redress. So the Taxation Bills must be thrown out.

What is the object of these fresh taxes? Is it to carry on the present system of Government with its still stiffening repressions requiring an ever-increasing police demand to sustain them? Why shall we tax ourselves? We have no power over the purse. It is in the hands of the Finance Member—an Executive Councillor—who is not responsible to us, not bound to carry out our behests. We passed the other day a resolution that at least 40 per cent. of the receipts of the province should be placed at the disposal of the transferred departments. Where is the reply to that? Has it been accepted? Or has it been gathered to the limbo of other solemn resolutions that we had piously passed? Supposing that like meek and docile people—and that we are—we pass these taxation Bills, have we the guarantee that there would be no deficits next year if the present policy of squander continues? Are we assured that our Finance Member would not bring in further proposals for taxation? So, tax and tax, squeeze out what lymph—lymph, for there is no longer blood—you can from the people, tax their amusements, tax their feasts, tax their marriages, tax their births, tax their deaths. Get fodder for the all-devouring departments whose expenses we cannot control, and in whose policy even our Ministers, let alone ourselves, are not thought worthy of consultation. It has been said that our amusement is baiting the police. Yes, that is the only amusement left to us that has not yet been taxed. Tax it by all means. Verily, we can only amuse ourselves by trying to reduce the police expenditure; no effect can be produced; no real reduction can be done. The all-devouring, all-crushing Leviathan lives on as ever. As long as we have not this power over the purse, we cannot consent to any taxation of the people. We shall always oppose it. It is by opposition alone that we can possibly safeguard the little rights we have by the Reforms, and it is thus that the Reforms can be worked successfully. Calm acquiescence and submission to the mandates can never foster our rights, which are to grow from within, fought for and conquered every inch of the ground.

The Hon'ble Mr. Kerr has said that even after effecting all economies there would be still a deficit of about Rs. 90 lakhs. In calculating

this figure he assumes that on the receipts side our figures would be reduced by about Rs. 60 lakhs. With all respect for the statement of the Hon'ble Member, I am constrained to say that this estimate of receipts has been as much an under-estimate as that of expenses an over-estimate. In no other years have our actual receipts fallen below the estimated receipts. I will read from the budget to show that our actual receipts have been with reference to the estimated receipts:—

Year.	Estimated receipts.	Actual receipts.
	Rs.	Rs
1916-17	6,20,00,000	6,62,00,000
1917-18	6,65,00,000	6,86,00,000
1918-19	6,96,00,000	7,39,00,000

It is not pleasant to hear that in the first year of his administration the Hon'ble Member has brought a deficit before us. But I am quite hopeful that when the final figures are in our hands we will find that the situation is not half so bad as that. Even assuming that our receipts would be reduced by Rs. 60 lakhs, I am quite confident that the estimated deficit of Rs. 90 lakhs can be considerably reduced if the Executive would only deign to cut down some of its expenses. It proposes to effect a reduction of about a crore of rupees. From the detailed statement, a copy of which has been received by me, I gather, however, that in three of the most expensive departments of the Government, *viz.*, General Administration, Administration of Justice, and Police, the reduction has been by only Rs. 1 lakh, Rs. 24,000, and Rs. 80,000, respectively. The current year's budget estimate of General Administration is Rs. 39,50,000, that of the Administration of Justice, Rs. 1,40,00,000, and of Police, Rs. 1,90,00,000. A few years back (in 1914-15) these three departments cost only Rs. 24,00,000, Rs. 1,03,00,000 and Rs. 1,04,00,000, respectively. In view of these facts can we conscientiously say that the paltry reduction of Rs. 2 lakhs is all that the Government is capable of making? I am on the Police Retrenchment Committee; though we have not yet finished our inquiry, I make bold to say that only if the Government is reasonable they can at once effect a reduction of Rs. 25,00,000 in the Police budget, but the Government will not do anything of the sort.

[Here the member reached his time-limit and resumed his seat.]

Babu KISHORI MOHAN CHAUDHURI: I congratulate the Hon'ble Mr. Kerr on his very lucid and straightforward representation of our financial position in introducing the Amusements Tax Bill. I admire him more for his courageous pronouncement and candid confession that all the trouble began with the inauguration of the much expected Reforms. He explained the critical situation so ably that it did not fail to draw the sympathy of this House.

The opening speech, however, has not been fully reported in to-day's paper, and I had great difficulty in following the figures, though I

spent over two hours in examining the details. I cannot say how the mistakes, if they are real, crept in.

The budget shows—		According to Mr Kerr's budget	Revised budget	Remarks
	Rs	Rs	Rs	
Revenue ...	1,064 lakhs	1,048	866	
Expenditure ...	1,275 ,,	1,259	1,083	271 deficit. This cannot be correct as 63 was paid this year. We hear there would be a saving of 6. How can this be if the real deficit be not 191.
Opening balance ...	335 ,,	335	.....	
Surplus loan recovery ...	2 ,,	2	.....	
Redemption of India Government loans ...	86 ,,	... ..	.....	
		337 191		
Deficit ..	211 ,,	146 86	.....	
Closing balance ...	40 ,,	60	... ..	

There are many difficulties in understanding the figures for this year. For the next year, however, the figures stand thus:—

	Rs	
Revenue	891 lakhs	
Expenditure	1,018 ,,	
Deficit	127 ,,	Hon'ble Mr Kerr takes at 130 lakhs.
Saving	40 ,,	
Real want	87 ,,	or 90 lakhs

The Hon'ble Mr. Kerr proposes to raise Rs. 130 lakhs by taxation so that he may show a credit balance of Rs. 60 lakhs to enable him to raise a big amount for capital expenditure and nation-building work. He takes a very optimistic view of securing permanent help from the Central Government in the near future. As a cautious and broad-minded financier, I hope he should also take into consideration the other contingency. I knew the failure in the attempt of getting further Government grant. Last year we were very sanguine about it and within a few months we saw the result. May I ask what would happen if we fail and after three years we are called upon to pay the contribution of Rs. 63 lakhs? Would he advise us to contract heavy debts without being assured of permanent Government help? Then there is the other question of starving economy. You fix the expenditure at Rs. 1,018 lakhs by retrenchment so that cannot be the normal state of things. I can safely assert, I think, that the hopes now held out cannot be real. It is said that the large retrenchment mainly affects the reserved side of the Government. This I also say, cannot be true as the Public Works Department has been shown in the budget as "transferred." and

economy is proposed to be effected in that department mainly. In whatever way I look at the question, with all my sympathy for the Finance Department, I cannot persuade myself to support the proposal. To my mind, any sound proposal for taxation is out of the question under the present circumstances of the case.

I know, as a sensible man (if I can claim to be so), I am to find out a remedy to get out of the difficulties. My simple suggestion is to approach the Government of India for a loan as you did last year, for purchasing dredgers for the Grand Trunk Canal Scheme. We have now, I believe, a loan transaction of our own on the credit of which we can easily get Rs. 87 or Rs. 90 lakhs. If we could spend our large cash balance on a false hope of Government help, we can risk this also and take another year's time during which we can settle a definite plan of action for our permanent relief.

I cannot agree with my Hon'ble friend that there is not much room for further appreciable economy. We must wait to see what the several Standing Committees and the Police Committee say on retrenchments. If the Government have any confidence in the Council, a representative committee should be asked to discuss the situation and with full information placed before it consider and formulate definite proposals upon which the Council can act. I entirely differ from the view that the proposed taxation would not affect the poor.

The Reforms, I am constrained to say, have been a curse to our ill-fated province. Bengal fought hard for it and a heavy deficit even for the ordinary expense of administration at the outset, without rhyme or reason, has been our reward. Bolshevism against the permanent settlement is staring us in the face. Extension of permanent settlement has all along been urged on the Congress platform. Men like Mr. R. C. Dutt and others, well acquainted with revenue laws and administration, advocated it. With a solemn pledge of perpetuity, the Government had to grant it under peculiar circumstances of the country after a revolution. Many of the original guarantees have been replaced by men serving and saving money by the sweat of their brow. The Bengal peasantry have been spared rack-renting by its operation; still complaints are very lightly levelled against it. The people of Bengal are overtaxed, suffering much from malaria, insanitary village life, want of drinking water, medical aid, and primary education and vocational education and rapid increase of the unemployed. This is not the time for fresh taxation, for no real prospect of benefit to the people. It was an unpardonable mistake of our Ministers to accept any responsibility or participation with a bankrupt Government in the beginning or to continue in it when fully alive to the difficulties of the situation. Every year the receipts were far greater than the expenditure. Only in this year's budget, we have been told, there was a deficit of last year, and there would be a deficit of Rs. 210 lakhs this year. If no permanent Government

relief is available early, the best course would be a dissolution and a general appeal to the country for its authoritative direction on the main question as to whether we want this shadow of Reforms or give it up as a hopeless task.

I have often been ridiculed by members of the Government, especially by the two Hon'ble Members at the head—the Hon'ble Sir Henry Wheeler and the Hon'ble Maharajadhiraja of Burdwan—for introducing the stock argument of economy in whatever proposals. I myself bring forward or whatever proposals of the Government I oppose. Yes, Sir, I confess and with a touch of pride that economy has been the burden of the song that I have pleasantly or unpleasantly sung in this Council. Because this was the vital point. Talking big was of no avail when your pocket was empty. And I have always feared since the introduction of the Reforms that to carry on this top-heavy administration, if I may so characterise the present machinery without impropriety, would entail at no distant date further heavy taxation of my people. That is why I have stoutly and stubbornly opposed all proposals of further expenditure for carrying on the ordinary work of administration, and supported all proposals of retrenchment and economy without endangering the efficiency of administration. But I do not see any difference between direct and indirect taxation when it ultimately touches the pocket of the people. Sir, I do not admit that amusements are a luxury. They are as necessary for the going on of healthy life as so-called necessaries of life.

Mr. friend, Mr. Mallik, has opposed this Bill for the repressive measures recently taken by the Government. I am not prepared to agree in that view. Withdrawal of those measures ought to be judged independently of this question of taxation.

My friend, Rai Dr. Haridhan Dutt Bahadur, is enamoured of the proposal; he thinks there is no way out of it; I do not know whether he has studied the subject very carefully, but as I have shown, the proposal will be of very little benefit to the people and I would therefore appeal to the Council not to accept the proposal; I would rather ask the Government to manage its affairs this year with a loan of Rs. 80 or Rs. 90 lakhs which the Government of India can be asked to advance; it may not be necessary to go to the market for a loan. The Government of India who is the author of this great injustice should, I think, come to our rescue, and with that Rs. 80 or Rs. 90 lakhs we could tide over another year and then consider what permanent measure can be adopted to afford relief to the province.

With these words I oppose this motion.

Babu INDU BHUSHAN DUTTA: I beg to oppose this Bill not because of any intrinsic demerit in it, but because, first, the purpose of the taxation, *viz.*, to meet the ordinary costs of administration, cannot be supported, and secondly, because this opposition is one of the

methods of protesting against the repressive policy of the Government, and of making the Executive responsible to the Legislature.

Hardly more than six months ago—to be exact, on the 13th July last—the Hon'ble Minister in charge of Education said in this Council: "I am not prepared to admit that our province should be taxed, merely because some people blundered over the financial readjustment of this province."

And here to-day, in this very Council, we see taxation Bills introduced evidently with the support of the Hon'ble Minister, which propose to take more than 1½ crores of rupees from the already overtaxed people of this poor province. This, Sir, is the Reforms scheme with a vengeance.

When the echo of the wail of the distressed people of Khulna has scarcely died down, when the cholera-stricken people of Mymensingh have died like flies, when kala-azar is playing havoc with my own district of Tippera, the talk of taxation for meeting the ordinary costs of administration sounds like a mockery indeed! If the object of raising money by this taxation had been to help in removing the chronic distress of the half-starving people, or to help in imparting education to remove the great ignorance in which the masses are wallowing, or to bring health to the sick and suffering people, then, indeed, we might have considered the merits of this particular Bill, which is the least objectionable of the three Bills that are being introduced in this Council.

Though it would seem to be a great pity to tax the amusements of a nation which has hardly any pleasures at all, still, I think, the amusements mentioned in the Bill, specially horse-racing, deserve to be taxed. I only wish that gambling in horse-races could be taxed to such an extent as to make it prohibitive. But it is no use discussing the merits of the Bill to-day. The fact is, the country is in no mood to be taxed and will have no taxation. For what purpose is taxation to be imposed? Is it to be ear-marked for those "nation-building" purposes, of which we have been hearing so much in season and out of season? No! They are to pay for the extraordinary heavy cost of administration, that is proving a heavy burden on this province. The tax is raised, not for any scheme to ameliorate the wretched condition of the people but to enable their so-called guardians to provide highly paid posts for themselves and their protégés, to enable them to spend some months in sanitariums, to travel in luxurious saloons, to provide them with expensive quarters in Calcutta, to enable the officers, under whom steam launches are placed, to go out on shooting excursions in the name of tours!

We have heard a great deal about the great injustice that has been done to Bengal in the matter of the financial adjustment. The injustice has been great and must be remedied. As has been pointed out by the Kumar, our opposition to taxation will help to remove this great

injustice. But, there is one thing that strikes me as rather curious. The Government of India decided in 1919, even after the representation of the Bengal Government, that the normal expenditure of Bengal should be 8 crores, and in two years' time the 8 crores has gone up to 12 crores. Is it not extraordinary? It seems that the spirit of expenditure is abroad. It should be chained and controlled and the spirit of economy should be installed in its place. Or is it the fruit of the dyarchy that we have got? Then all I can say is that the sooner this dyarchy is cast into the waters of the Hooghly, the better for the whole country.

The Government ought to have known that it was ruinous to increase the normal expenditure of the province by 50 per cent. in the course of two years. The fact is that the Government did not seriously attempt retrenchment. I make this statement deliberately because I find that the Hon'ble Finance Member said last year: "We have already pruned the budget there; the original demands of the departments totalled a sum much larger than that which we have actually included in the budget. We could not reduce further without starving essential public services and producing administrative chaos." In spite of this we find that a retrenchment of nearly a crore has been effected this year; and that, without producing administrative chaos. If this reduction had been effected last year, as had been suggested by many of us, then we should not have been placed in this sorry position to-day. To be forewarned is forearmed! Was it too much to expect the Government to foresee the coming danger and apply the pruning knife in time? We earnestly believe that retrenchment may be effected. Let Government try this first and then come to the Council for taxes.

As regards the second reason of my opposition, I must confess that this is the only constitutional method by which we can make the Government responsible to the wishes of the Council. The Executive Government is not legally responsible to us, but surely there is a moral responsibility? How has that moral responsibility been discharged? Has not the Government set at defiance the wishes of the people in the Chandpur affair, in the Faridpur Jail flogging case, in the repressive policy that they have inaugurated? What has the Government done about the Chandpur affair? This Council passed a resolution that the officials concerned in that affair should be dealt with in order to prevent recurrence of such actions. How has the Government given effect to the wishes of the Council? By sending them our speeches to read. I know that our speeches are dull enough, but this is the first time I hear that the perusal of our speeches is made a means of punishment to Government officials. When we remember that men, as good as we or you, have been brutally flogged in the Faridpur Jail, when we remember that men, who could be an ornament to any Government bench, are now in jail for their political opinions, we can have no patience. We must bring our view of disapproval to the Government. This is the only way to do it. We shall oppose the taxation Bills. His Excellency the

Governor has the power to veto our opinion: let him do it, if he likes; but in that case, the Secretary of State and the British Parliament will know what the Bengal Legislative Council thinks of the present Government of Bengal.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I confess I did not expect such a spirit of opposition in this Council of sober and sound legislators, with considered political convictions. With regard to the taxation Bills, I can easily understand the opposition when based on the poverty of the taxpayers, but opposition on grounds, which are not exactly pertinent to the question of Finance is, to my mind, not exactly befitting the House and the occasion. It has been said, that this is the only constitutional method, by which we can bring the Government to its senses, redress our grievances and have our desired object. I submit that this is not the constitutional view that I take of the present situation. Of course, if the object is to bring the present administration to a deadlock, that can be done by opposition to the taxation Bills, but I submit that this deadlock is not the constitutional method for the redress of grievances, or for carrying out the wishes of the people, if this be the wish of the people at all. It has been said that we have got some kind of responsibility by the Reforms, and we want to make the Government and our Ministers responsible too, but we should also remember that we have a grave resposibility thrown upon ourselves by the Reforms; that is to say, we have to provide for the efficient and proper working of the administrative machinery, and if we put obstacles in the way, I submit that we would be shirking our responsibilities, and we do not deserve the responsibility that has been put upon us. We all understand that taxation is unpopular and the tax-collector unwelcome in every household, but taxation has to be resorted to, for the working of the administrative machinery. Nobody likes to pay taxes, we know that full well; but stern necessities have to be provided for and certain payments have to be made; so, putting aside all sentimental objections, all personal considerations, and realising the responsibility which lies upon our shoulders, we must devise ways and means for the full, free and smooth working of the wheels of the State coach. Let us apply the pruning knife by all manner of means, and let us practise economy. I have pleaded for economy, in season and out of season, in connection with many schemes that have come up before the Council; let us apply the pruning knife and cut down all useless expenditure, and effect retrenchments all round. But let us not in the name of economy and for the purpose of retaliation, bring about a deadlock, which would be a disgrace on the fair name of the members of this Council. So I appeal to the members of this Council to look at the facts, fairly and squarely. There is a deficit, there is no question about that; and hundreds of resolutions are coming in every day, for the consideration of this Council, which, if carried, will mean the expenditure of an enormous amount of money. The Ministers have been abused for not doing many things,

but I submit to you, nay, I put it to you, have the Ministers been supplied with the necessary funds? We have to supply them with necessary funds; and when there is a deficit, how are we to do this? We cannot raise money by loans. I do not know if the member who spoke about approaching the Government of India for a loan, is quite right in his suggestion. If there is a deficit, I do not think the Government of India can help us, not to speak of going outside for a loan. It has been said by some of the speakers, that money is going to be raised for meeting the costs of the police, who are out for repression. I submit that this is a view which should not be put before the Council; we are not discussing the policy of repressions; we have discussed that question on several occasions. If hon'ble members are anxious to have that question further debated, they can bring up resolutions in proper form. We are discussing the question of Finance, and of ways and means for conducting the administration. There are many defects in the administration which could be remedied; let us apply ourselves to the finding out of remedies, but in the meantime we cannot stop the administration. It has been said that if retrenchment had been effected, there would have been no need for this taxation. After the illuminating speech of the Hon'ble Member for Finance I do not think, by quoting facts and figures, I can carry more conviction to the members of this House. It is clear to everybody that it is absolutely necessary to have more funds; if loans are necessary, where can we get them, without a sinking fund, without provision for interest and so forth? What can we do? We cannot borrow; so we must resort to taxation. Retrenchment cannot be effected, by a single stroke of the pen, it requires consideration, it requires time, and this House will remember that every session we have been bringing up resolutions for the formation of a committee to consider retrenchments. Yesterday the Hon'ble Member said that the standing committees attached to each department have been directed to go into the question and suggest further retrenchments. It will be difficult to effect retrenchments all at once, and the only course open to us is to resort to taxation, and what kind of taxation is the least objectionable? It has been said that the least objectionable method of taxation is a tax on luxuries; we know full well that amusements are luxuries; races are luxuries, theatre-going and attending cinemas are luxuries; and therefore this is the least objectionable form of taxation.

I think those gentlemen who have discussed the details of the Bill are a bit ahead of their time, because the Bill will have to be considered first by a Select Committee which is to be formed and then by this House when that committee submits its report. I go further and support the Bills because it is the only form of taxation which does not strictly affect the poorer people. With this view, I would ask the Council to leave aside all passion and consider this question on pure business lines and on business principle. We are all householders, in our own homes, when we are in pecuniary straits we have to cut down

our expenses to exploit new sources of income to meet the necessary demands. Government is faced with this problem, and as limbs of it we have to face it also as best we can.

Babu TANKANATH CHAUDHURI: We meet here to-day in order to face a very gloomy situation. The Finance Member, the Hon'ble Mr. Kerr, yesterday placed before us a picture on which we cannot but look with a gloomy heart. There is a big deficit and we are to find out means for meeting it, and we are to consider whether this deficit is the creation of this Council or whether this deficit has been forced upon the Council. This is a question which we must consider. We have heard that Bengal has been very shabbily treated but, as practical men, we must face the situation as best we can. We must all of us join together to get redress in the shape of getting back our dues—the money which the Government of India has unjustifiably snatched away from us—I mean the tax on jute. It will require some time before we can get back our money, but in the meantime we must try to face the situation as boldly as possible, and there is no other course left to us than to impose fresh taxation on the people. It is a known fact that Bengal is already over-taxed, but still, when we have to find money we must see whether we can resort to the least objectionable form of taxation. The taxation on amusements seems to be perhaps the least objectionable form of taxation. Now, Sir, one argument against the imposition of such a tax is that if we refuse this tax, the Government of India would be forced to reconsider the position to which Bengal has been driven by the appropriation of the jute tax by the Government of India. But that would require some time before we can get redress. Meanwhile, the machinery of the Government might be paralysed. This Council is faced with a two-fold responsibility: the first is the responsibity of finding the money and the other is the responsibility of making the people contribute that money with the least possible objection. It would not do if we had to raise the tax on the point of the bayonet. The country is now in a state of great unrest, and if we have to force a tax on the people, we shall then strengthen the hands of the opponents of the Government; and no man who wants to see peace in the country would contemplate such a situation with anything but a shudder. We have got two other Bills for taxation, and we shall discuss them later on. We have heard much on this matter, and I think that I should give my support to the imposition of the entertainments tax.

Mr. HUSEYN SHAHEED SUHRAWARDY: I beg to oppose the reference of the taxation Bills to a Select Committee, and I do so on certain broad grounds which I earnestly commend to the consideration of the House. I oppose it first because the country cannot stand further taxation, and fresh schemes of taxation will be received by it with dismay and discontent—not on selfish grounds, but on grounds of physical impossibility—and I am not anxious to see the quantum of

discontent increased. I oppose it because it condemns the Reforms before the people, and frankly we shall not be able to justify ourselves if from the beginning we impose burdens with no immediate commensurate advantages. Many members of the Council have more than once pointed it out in speech, manifestoes and telegrams. Times and conditions have not changed except for the worse, and their arguments against taxation as introduced side by side with the Reforms have acquired a tenfold force under present conditions. I oppose it because it establishes a pernicious principle, that of taxing an over-taxed people now for a deficit, then for the 63 lakhs left to us for three years, later for a more expensive administration in the name of efficiency. I oppose it, because I am not satisfied that the income derived will be spent in new ventures for the benefit of the people, and not in sustaining over-fed departments. I oppose it because we smart under the injustice done to us by the Government of India and the author of the Joint Committee Report. I oppose it, because I wish to strengthen the hands of the Government here, and show to the Government of India and to the British Parliament that the people of Bengal will not support any schemes of taxation, unless the wrong done to Bengal is remedied, and Bengal gets her due. Vocal protestations, however insistent, however powerful the personalities behind them, we have learnt from bitter experience, are of less than no value. Beggars cannot afford to be philanthropic, even though it may be to other beggars. We cannot tamely submit to the Government of India robbing us, and then impoverish our people in return. I oppose it, because I am not satisfied that this Government of ours has made any genuine attempts at overhauling its departments, and effecting retrenchments in its existing administration; because it was the duty of the Government in the face of an overwhelming deficit to have formed retrenchment committees as in England, to look into the whole system of administration, and not waited for the Council to inform it that in our opinion Government was not justified in its smug self-satisfaction that all is being well and cheaply run. I oppose it, because I cannot support the present policy of the Government.

I am not speaking to those who justify the acts of the Government, who justify these wholesale arrests, who justify those illegal proclamations, who justify the excesses and brutalities committed on the Indian people with impunity; I am not speaking to those who refuse to class these measures as repressive, who would first see the whole people terrorised, cast into bondage, their spirit broken, their self-respect trampled, who would first see a race of cowering skulkers, duly impressed with the might, the power, the ferocity and the retribution of the British Raj, who would first see indiscriminate slaughter, the whole gamut of soldiery and police and civil guards let loose upon the people, before they will arise to a realisation of the present policy of the Government as repressive, before their sense of justice and honesty will be touched quick enough to condemn the Government for its acts. I feel sure, Sir, that there is no Indian member here who does not blush with

shame at being a party to these acts, and I do not hesitate to say that the sooner we dissociate ourselves from the policy of the Government the better for our self-respect, for our fair name, for our independence, for our honesty. I do not understand the indignation of those who blame the Government for its acts, for its unsympathetic treatment, for its denial of justice of the people, for its condonation of excesses, and yet when the power is in our hands to mend matters will refrain from exercising it. They do lip-service to the cause of the people they represent, to the cause of justice, to the cause of liberty.

There is an idea prevalent that the Government must be maintained at all costs, and that we have entered the Council bound to maintain it at all costs. Never was there a more fallacious doctrine. Let me put before the members an extreme case. Is there anyone here who will feel justified and disclaim responsibility if a thousand, or if you are callous enough, a hundred thousand, were butchered to-day in Harrison Road for the crime of holding a political meeting against the orders of the Commissioner of Police? Let each one put it to himself when he can dissociate himself from the policy of the Government, how much repression would suffice to turn his gall, at what time he cannot support the Government any further, and he will understand that this doctrine cannot be true. I do not seek to destroy the Government, I do not seek to paralyse it, I ask the Council to enter a forcible and an effective protest, a protest backed by all the power it has, for grave emergencies require grave remedies, against the present policy, against the methods adopted to carry out the present policy.

There is scarcely any need here to emphasise the fact that it is as clear as daylight that the measures that the Government has adopted have utterly hoplessly failed in their result. Has it checked non-co-operation? It has given an impetus to it in Bengal that years of intensive propaganda would have failed to; it has turned meek and moderate men into hopeless extremists. Has it abolished lawlessness and the intimidation of a *hartal* day? It has given place to a national unity that has banished the terrors of social boycott, and made for combined action; it has given place to the anarchy and lawlessness of the police, that continues from day to day, that increases in violence and ferocity. Has it abolished discontent?—it has given rise to a sullenness and a hatred which only years of sympathetic treatment can propitiate. Has it established the prestige and power of the Government? It has given place to a distrust of Government, to a belief in its faithlessness and injustice. It is driving the country into the arms of Civil Disobedience, it is paralising those who might yet have been able to step in to prevent defiance of law. No, Sir, the steps adopted have hopelessly failed and it is our bounden duty to compel the Government, if we do not wish to be a party to this insane policy of revenge, to withdraw it.

The country, far from being grateful at the measures taken to secure the life and liberty of the people, at measures taken to secure law and

order, stands aghast when it sees the right of lawful association for peaceful purposes is denied it, when the right of speech is curtailed, when editors through fear of condign punishment refrain from legitimate utterances, hitherto legitimate, for the tenacles of the Penal Code are long and the Executive too ready to take action. And further, Sir, let me tell you far more than this has the country been agitated at the way these orders have been carried out. That to most is the tangible thing. They see persons being arrested for the crime of being Indian in Indian clothes, they have seen passers-by being kicked, insulted, struck with the butt-end of rifles, thrown into the gutter by sergeants, they have seen persons being brutally done to death, they see meetings perfectly peaceful and non-violent, being violently dispersed, and passers-by indiscriminately beaten, they see still force and violence—albeit it is but the beginning—rampant and unchecked, they see pliable Magistrates pass fierce, inhuman sentences for technical offences, and believe me they are not rapturous in their excitement over this Government's justice and its love of law and order. They see this Government conniving—I give it the credit of saying passively but yet conniving—at these acts of repression, and they see that those responsible for the police force in Calcutta and beyond escape unscathed. The police have a free hand which gives them courage to commit acts of lawlessness and violence, to provoke the people to become violent, now as ever, for I know what I am talking about, in spite of what His Excellency has been told, so that the people may surrender themselves to a holocaust which would bring home to them once and for all their insignificance, their weakness. Why, Sir, only yesterday an old lady was beaten so ferociously that she——

The DEPUTY-PRESIDENT: We are not discussing any matter relating to the Police Budget.

Mr. HUSEYN SHAHEED SUHRAWARDY: Perhaps you will permit me to say that the Government should have withdrawn at the earliest possible opportunity the repressive laws, when it knew that the whole Council was against it.

The DEPUTY-PRESIDENT: You cannot go into details.

Mr. HUSEYN SHAHEED SUHRAWARDY: Very well, Sir. And if anyone here says in the face of incontrovertible evidence that this is a mischievous travesty of facts not supported by evidence, I say that he is purposely concealing from himself and from the Government what he knows and the public knows full well, that he is purposely ignoring the evil potentialities of the police in Calcutta and outside, and let the Council and the people judge who is in the right. For each act I hold the Government responsible, unless it listens to the grievances of the people and stoops to punish its subordinates and dissociate itself from their acts. Sir, Government has had ample opportunities of gauging how the country has received the policy of the Government, how the Council has

received it, for did not Government think it wise not to prolong the December sittings to beyond two hours? We have given it ample opportunity to alter its policy, to withdraw the Seditious Meetings Act and the Criminal Law Amendment Act, to punish its officers who, in the name of law and order, have abandoned all fear of law and order and discipline, and yet nothing has been done. This is the sole chance, Sir, that we have of protesting in a constitutional manner against the policy of the Government. A resolution can be vetoed, and will be vetoed if we are weak and spend our energies in mere vapourings, a grant can be certified; but the refusal of a new Bill for taxation must compel the Government to alter its policy and prevent further acts of repression that may be in contemplation, and compel it to pay more attention to the voice of the people and to its representatives. And here I claim the special attention of the members from the muffasal. They know little of what is going on in Calcutta, they know little of the reign of violence inaugurated here, they know little of soldiers and police run amok, of non-violent mobs being mercilessly beaten, of a mosque being entered and desecrated, of shops being looted, all in the name of law and order. If they know what we know, I feel sure that their sense of justice must compel them to force the Government to alter its present policy under which the culprits remain unpunished and publicly glory in their ferocity.

I cannot understand the value of representation, the value of the Reforms, if Government has still to go behind our back to those who seek to guide its policy in a surreptitious manner, as if we are anxious to betray it and they to uphold it. Let them, if they would guide the policy of the Government, come out in the open and discuss their views, seek to enter the Council and mould opinions in public discussions and not in an underhand manner, in the dark, create a panic in the Government prompted by their palpitating hearts. Sir, I ask what is the value of the Reforms, if in spite of our united protest, the present policy of the Government cannot be altered? And it is incumbent on us, as honest men, not to be content with pious wishes but to act according to them. Is there anyone here who believes that the Indian people have got rights commensurate with their deserts; is there anyone here who believes that there is no need for further agitation, for further discussion, for further association, for further organization and that we must remain content with what we have? If I know the members of the Council, their patriotism, their love for the country, their aspirations, the answer must be a decided negative. Then, Sir, what has been the result of the policy of the Government with reference to this; it has denied us the right of speech, the right of meetings, the right of association, the right of a political existence. And, Sir, these measures of the Government are not meant to be temporary. These measures are making the country more and more discontented, more and more sullen——

At this stage the member reached the time-limit.

The DEPUTY-PRESIDENT: You can complete your sentence.

Mr. HUSEYN SHAHEED SUHRAWARDY: And I feel that the trend of the policy of the Government is in favour of greater and further repression, further and greater violence, and I appeal to the members of this Council to check it before it is too late.

Mr. D. C. GHOSE: I did not like to interrupt the last speaker, but having regard to rule 52 of the Standing Orders, I ask for a ruling from you, Sir, whether it is permissible on a motion to refer this Bill to the Select Committee, to review the entire policy of the Government?

The DEPUTY-PRESIDENT: I considered that matter and I think the member is in order.

Rai RADHA CHARAN PAL Bahadur: Should not that question have been raised before?

The DEPUTY-PRESIDENT: Yes. A point of order like that should be raised at the time and not after the member has concluded his observations.

Babu DEVI PROSAD KHAITAN: In a very lucid speech the Hon'ble the Finance Member has clearly explained to this House the necessity for fresh taxation in this province. He has also clearly demonstrated that there is a bed-rock deficit of at least Rs. 90 lakhs. My friend, Babu Kishori Mohan Chaudhuri, has said that he does not understand how the sum of Rs. 63 lakhs was deducted from the current year's revenue, on the ground that that amount must have been paid at the beginning of the year. I believe that the explanation is that the sum of Rs. 63 lakhs, whether paid at the beginning or in the middle or at the end of the year, must come out of the current year's revenue. No doubt, so far as I have been able to understand, has been caused by the figure given by the Hon'ble Mr. Kerr. Therefore we must take it that we must commence the year with a bed-rock deficit of at least Rs. 90 lakhs, and if the Government in the province is to continue, this Council must find the means whereby to bring into the purse of the Government at least a sum of Rs. 90 lakhs. The present proposals for taxation have been challenged principally on two grounds. One is the injustice done to the province of Bengal by the financial adjustment and the second is repressive policy. Sir, I fail to understand how by opposing these measures of taxation we can make out a good case for doing justice to this province. To do justice to this province it is necessary for us to show that every possible attempt has been made, every possible action has been performed in order that this province may be able to meet the expenses by the revenues of the province itself. It is said that the Government of India has been adamantine and has refused to do justice to this province. I fail to understand how the Government

of India can give that justice to this province. The Council of State and the Indian Legislative Assembly must be taken into consideration. We have all read the discussions that took place in the Indian Legislative Assembly when the Hon'ble Sir William Hailey brought forward a proposal before the Legislative Assembly that the sum of Rs. 63 lakhs be remitted to Bengal. We cannot forget the jealousies that arose and the objections that were made by the other provinces and by the opponents of Bengal. There is no doubt that we cannot go back to the Government of India without showing that we have done our utmost. The other provinces will certainly refuse to vote any further remission or any further grant to this province. We must go with a clean hand. We must not go by saying that when a proposal for taxation is brought forward the members of this Council refused to vote for it, although there are channels from which the revenue can be derived. On the other hand, we must show that all possible channels of revenue have been exhausted. Sir, it is well known that a tax on entertainments is one of the last possible sources whereby revenue can be raised. Babu Kishori Mohan Chaudhuri has said that our deficit could be met perhaps by a loan from the Government of India. The Hon'ble Mr. Kerr has explained that this deficit is not for any capital expenditure, because retrenchment has been effected by cutting down all items of capital expenditure. Loans are never raised in order to pay for current expenditure, and I am sure Babu Kishori Mohan Chaudhuri in the management of his own affairs does not meet recurring expenditure, by means of loans. Loans are only raised for capital expenditure, and this deficit, being made up of items of recurring expenditure, cannot be met by a loan. Secondly, I do not understand how the Government of India is in a position to advance a loan to Bengal. It is a notorious fact that the Government of India itself has got to meet a deficit. I, doubt, therefore, whether the Government has got the funds to advance to Bengal, even if it had the intention to do so and if it were advisable for Bengal to raise a loan for capital expenses. Sir, under these circumstances the only possible alternative is to raise money by means of taxation.

It is then said that by refusing the present proposal we can force the hands of Government to give up the present policy in regard to the political troubles. Sir, I again fail to understand how by bringing about a deadlock, how by bringing misery on ourselves, we can force the hands of the Government to give up the present policy. I do not wish to express any view, because it does not arise on this matter on what the direction should be in which the Government should be approached for a reversal of its present policy. But I am sure that this is not the the way in which it ought to be done. There may be votes of no confidence; there may be other measures, notice of which has already been given in the list of resolutions calling on the Government to alter its present policy. It cannot, however, be done by crippling the administration. It cannot be forced upon the Government by simply saying

that it can have no money and so we can check the prosperity of the country. We know that the people of Bengal are certainly in a miserable condition. Therefore it has been a great surprise to me to hear the statement of Babu Indu Bhushan Dutta that in the years 1916 to 1919, the expenditure was less than the receipts, and that the actual realisation of revenue was more than the estimated income. My friend should not forget that the period from 1916 to 1919 was a period of commercial prosperity. It is, however, a great misfortune that simultaneously with the advent of the Reforms the commercial prosperity has disappeared and a slump has come into existence. But this cannot be the fault of the Government, and it is that reason which has brought misery not only to Bengal, not only to the whole of India, but in fact to the whole world. I do not think, Sir, that I would be far wrong if I were to say that India is one of the countries in the world which is doing well. In the present circumstances, therefore, in the view that the Hon'ble the Finance Member has been pessimistic in the collection of the figures, I regret that I cannot agree. This is a year, in fact, of pessimism. Nobody can say that we have reached the bottom of the crisis; nobody can say that the next year will be a bumper year; in fact, we must be prepared, as reasonable men, as persons who must approach the problem before us with a due feeling of responsibility, and we must create a surplus, so that in the midst of the year no further proposals for taxation may arise. It is always said that the Government has not been doing enough for the people of the country. But I ask how they are to take steps unless we vote for taxation. It is said that the Ministers have not been doing to the extent of their power. Rai Nibaran Chandra Das Gupta Bahadur has already pointed out that it is futile to blame the Ministers; it is futile to blame the Government. To do anything either in this province or at any other place, it is necessary for us to have money. I am very glad to find that Colonel Pugh has pointed out that in other countries of the world when money is raised by taxation of this nature, it is earmarked for certain specific purposes. It is a well-known doctrine that the taxable capacity of a province should not be exceeded. The taxation under consideration is one of the last sources that we are tapping. That being so, it is necessary that a substantial portion of the revenue to be realised by this taxation should be expended in such a direction that would go to create a further income, a further taxable capacity in the people of the province. I yield to none in thinking that the expenditure on hospitals and similar institutions is certainly good and absolutely necessary; but hospitals and dispensaries merely do not increase the income of the people. What is wanted is—and I may further point out that there is another resolution, notice of which has been given by Rai Radha Charan Pal Bahadur, for the appointment of a committee—to find out the ways and means as to how unemployment could be made to disappear from the province and that the people may have further avenues of employment. This cannot be done by simply

increasing posts; this cannot be done by calling upon the Government to change its policy; but methods must be found—and that can only be done by increasing the commerce and industry of the country. The best method is, I submit, to spread commercial and industrial education, about which we have heard so much not only in this Council but outside. I may appeal to the Hon'ble the Finance Member, and to the members of the Select Committee who are going to be appointed to consider this part of the case, to see whether a substantial portion of the money to be raised by this taxation cannot be spent on such channels that would increase the income of the people. With these few words, I beg to support the Bill that has been brought forward.

[At this stage the Council was adjourned for 15 minutes.]

Babu FANINDRALAL DE: I wish to make a few observations on this occasion. Whatever be the reasons for it, there is an actual deficit in the normal budget of the province. I should not even say normal, because the various departments, specially the transferred ones, have received the bare minimum to move on. These require still enough to meet their ordinary expenditure. It is said in the preamble of the Bills that they are to increase the resources of the province. The estimated increase from this source and the judicial stamps, together with the reductions under provincial contribution to the Central Government, will be just sufficient to make up the existing deficit, but then, what about the future expenditure for improvements and the other contingencies? On the revenue side of the budget, as it is, there is hardly any item capable of considerable expansion. Surely it would be neither judicious nor statesmanlike to carry on the ordinary expenditure of administration by loan. It is therefore reasonable and consistent that along with these Bills, there are projects for reduction in the unnecessary establishments of the Government. Indeed, His Excellency had announced some retrenchments, but they were only in grants. Now we are glad to learn from the Hon'ble Finance Member that he proposes to do the same in general administration also.

It is an admitted fact that in our top-heavy adminstration there are various establishments which can be safely abolished or amalgamated without impairing the efficiency of the system, but it was a matter of regret that proposals to that effect never emanated from the Government, but when put forward from other sources, a deaf ear used to be turned to them. On the other hand, no opportunity was missed of adding to expenditure, whenever it presented itself, as will be evidenced from the recent increase in the overseas allowances of the members of the Imperial service.

We must also repeat our emphatic protest against the financial adjustment which is the root cause of all our financial troubles. We hope that the Central Government will soon realise the mistake and the wrong done to the province. An opportunity for rectifying this

will soon present itself. With a change in the fiscal policy of India, which is expected to come next year, arrangements can be made by which the province will get a substantial share of the jute export duty and other concessions to meet its requirements.

As regards the Bill, Sir, taxation of entertainment is certainly less objectionable than other ordinary methods; the State can reasonably demand something from those who have apparently more than they require, more so if it is needed to relieve the strain that will otherwise be felt by the poor of the country; practically every civilised country long ago had recourse to this method, in some form or other, to meet their increased burdens; it was long thought desirable that similar steps should be taken in our country, too, in its present financial crisis. I therefore congratulate the Government on the introduction of this Bill together with the subsequent additions, and hope that the House will find its way to see the Bill passed.

Maulvi MAHAMMED MADASSUR HUSSAIN: If we come down from the region of oration to a plain statement of facts, and if we analyse the speeches which have been delivered, we find that we have been urged to oppose fresh taxation on the ground that Government has started on a career of repression; secondly, in order to put pressure on the Home authorities to do justice to us in the matter of financial adjustment. Let us examine whether it lies in the mouth of a member of this Council to take the position which Mr. Surendra Nath Mallik and his associate, the Kumar, Mr. Huseyn Shaheed Suhrawardy and Babu Indu Bhushan Dutta have done. In the first place, His Excellency the Governor delivered his address on the 19th November, 1921, dealing with the present situation, and just after the address the most prominent of the members gave out that Government has the support of such members in dealing with the situation. The Government have taken such measures as they thought fit and which they thought they were legally entitled to do. After all the fine speeches on the day of address, when members vied with each other in order to show their loyalty and wholehearted support, I think it does not lie in the mouth of the Council to say otherwise. Gentlemen, you could have said on that day that you don't like that anything should be done, you could have said that Government should look with indifference as to what these non-co-operators will do but, then, gentlemen you thought that fine speeches could be made by supporting the Government and therefore you did not ask the Government to stay its hand. Therefore, I assert that this Council cannot raise the point. Sir, I think responsible people must be consistent. Then as regards the second point. Before you came to the Council the financial adjustments were in existence and you knew very well the extreme inequity of these adjustments, and you also knew very well that the expenditure was far more than the receipts. Therefore you took upon yourself to administer a state whose expenditure is more than revenue. With your eyes wide open you took upon yourself to manage

an estate whose income is less than its expenditure. The non-co-operators pointed this out to you, and notwithstanding their requests, their entreaties, you came here and came with the avowed object of making the Reforms a success? There were loud cries from the liberal party and liberal conference to make the Reforms a success. Now, Sir, what is meant by making the Reforms a success? The Reforms are based upon the Government of India Act. To be loyal to the provisions of the Government of India Act and to make the Reforms a success, we must thoroughly obey all acts done in accordance with the provisions of the Government of India Act. This adjustment was also made according to the provisions of the Government of India Act. You being loyal and a liberal by conviction and being a member of the liberal party, you are bound to take the adjustment as it is. If you thought that the Reforms were a farce or a curse, you should not have come here, you should have joined the ranks of the non-co-operators and boycotted this Council. Therefore it does not lie in your mouth to say so. You being loyal to the Reforms, you are in duty bound to run the reformed Government.

The position being such as you can consistently follow, it seems to me the Reforms are altogther hollow and those who have accepted them accepted a hollow thing. However that may be, after having accepted them, you cannot recede from your position and you must run the Government as well as you can. Therefore, Sir, I support the principle of taxation, but not to the extent or the manner in which the Hon'ble Member proposes it. The position being this, I congratulate the Hon'ble Member in charge of the Bill for his happy idea of taxing entertainment. The people who go to enjoy the entertainments are generally persons who have got surplus funds or who do not care for money and are out for amusement. It is right and proper that such classes of people should be made to contribute towards the expenses of the Government. This principle has been recognised in all civilised countries, such as England, France, etc., and we having been faced with overwhelming deficit, it is our duty to tax the amusement. It is said that Bengal is cheerless and we would make it further cheerless by taxing the entertainment. I deny the truth of this assertion. In every town and most of the large villages there are places of amusement and music where amusement-seekers go and enjoy. I don't think the amusement-seekers who go to theatre or any other place of performance will grudge a small addition to the value of the tickets. They are out for amusement and they will never care for this additional sum. It does not matter even if they do grudge If they can afford to pay something for mere amusement which, instead of improving health or wealth, rather acts otherwise, they should pay something for the maintenance of administration. The same observation is applicable with greater force in case of betting.

It has been urged in some quarters that an entertainment tax should be the special monopoly of the Corporation. I deny this. The Corporation does nothing which can give it a right to tax entertainments.

It is perhaps not known to the Council that there exist forms of gambling in the mufassal which are known as air-gun shooting and ring fencing. The professional keeper of these games places a wheel on a raised platform which has marks on it. The wheel begins to revolve and the man who goes to enjoy tries to shoot the marked place by air-gun; if he is successful he gets money; if he is not he is to pay. In ring fencing silver coins are placed on a sloping table and rings are placed in the hands of persons on payment. They throw the ring on the table; if this ring encloses a silver coin or other thing it is his. I would observe that these and other similar forms of gambling and amusement may be brought within the purview of this Bill, and for this purpose its operation may be extended to the mufassal. I have known cases in which persons in authority have allowed the keepers of these games to carry on their trade on payment of certain amounts weekly to some charity. These may be taxed in the form of license. With these few words I would support the principle underlying the Bill.

Rai RADHA CHARAN PAL Bahadur: Does my friend also want to include billiards, card playing, etc.?

Maulvi MAHAMMED MADASSUR HUSSAIN: No, Sir. I have seen these games of air-gun shooting and ring fencing in the mufassal, and I think these should also be brought under the purview of this Bill.

Mr. H. BARTON: It was known to this House long before the Hon'ble Member in charge of Finance stated his case that machinery was put in motion by certain members of this Council to obstruct the Bill at any cost. Not satisfied with this, they have come to this Council to-day and given expression to their feelings in a manner which is to be deeply regretted. I fail to see what connection there is between the question before the House and the charges made against Government for its action in so-called repressive and other measures, and it seems to me that they wish to place before the Government a system of unworthy bargaining which means that if Government is prepared to come to its knees and make an admission that the measures put into operation are wrong, then we are prepared to give them the money they are seeking and pass the Bill, otherwise it is to be opposed. It has the appearance of revengeful retaliation rather than a desire to help Government to put right a very serious situation. The statement made to the House by the Member for Finance is so clear and so convincing, that I cannot understand how anyone viewing the question from a sensible standpoint, free of all personal matters, can find any objection to this Bill. We are asked to insist that the Government first go about making retrenchments, in spite of the fact that the Member for Finance has very clearly pointed out that the deficit of Rs. 90 lakhs is the irreducible minimum, which is only arrived at after cutting down expenditure to what he called bed-rock limits and in such a way as would really hamper the efficiency of the administration. What, then, is the position? This House is asked to

view the question from the standpoint of its responsibility, quite apart from other considerations. We must view the situation having regard to the grave statement put before the House by the Finance Member that we are in a critical position, and it is also pointed out that after considering every possible means of raising money, the only source open is the Bill which is now before the House for imposing an amusements tax. The Anglo-Indian Association, of which I may tell you I am not a member, has put up a statement to Government, but I am very sorry to say that I am unable to agree with that statement. It is not a fact that if this tax were introduced, cinemas would lose considerably and probably some of them would have to close down. I think those of us who know anything about the Calcutta public would agree that evidence is not wanting to show that they are a pleasure-seeking people. They want pleasure at any cost It is my personal knowledge that there are classes of people who can ill afford to attend such places of amusement who would deny themselves many essential things at their homes in order to provide money to visit places of amusement. The attitude of the public appears to be—Give us pleasure and we are prepared to pay for it. I do not think that a man who is prepared to spend Rs. 10 for a seat in a theatre or any other place of amusement and to spend some additional money for refreshment and other incidental expenses would grudge a tax on that amusement. We know that at a stone's throw from each other there are no less than three cinemas running in Calcutta. Is that an indication that these institutions are not paying, or is it an advertisement of the fact that they are paying so well that they are endeavouring to build more and more such places? Within a radius of half a mile you will find no less than six such places running day in and day out. We find that whenever there is a very sensational film exhibited in any one of these cinemas, even if the film is running for several days, it is very difficult to get seats and we generally find a notice saying that booking is closed, indicating the fact that the public are quite prepared to pay for these amusements.

It is contended that many poor people will be deprived of their amusement or pleasure because of this tax. I would like to know whether, in view of the fact that prices of tobacco and liquor have considerably increased during the last few years, those who are given to smoking and drinking, smoke less tobacco or drink less pegs to-day than they used to do before. I do not think that people who run places of amusement can complain about paying the tax, as evidently they make a good deal of money on the bar, charging as they do a rupee for a glass of ginger wine.

We are here to deal with the question as it stands to-day. It is no use introducing irrelevancies such as repressive measures. They do not help the question. We have been told clearly by the Finance Member that we have never been in a worse position. How are we going to meet it? Some say that the Government of India have been unjust and that we must screw the money out of them. But we are also told that

the Government of India themselves are in a very tight position. How are we to squeeze blood out of stone? We are also told by the Finance Member what we are to expect if this Bill is defeated. We are to choose between efficient government on the one hand and chaos on the other. He has told us in no unmistakable language that the Government will be paralysed and finances and public affairs will be brought to a state of chaos. Are we to lend ourselves to create a position such as this? If we do so, we will discredit ourselves. We will be disgraced and prove ourselves unfit to manage the government of the province. We are not here to bring it to chaos. We want the Government to govern properly and efficiently. Now that we have had placed before us a reasonable measure by which a certain amount of money could be raised to meet the deficit, I for one would accept the Bill and support the proposal of placing it before a Select Committee.

Regarding various comments made upon Government and its various repressive measures, I think certain members have taken upon themselves to say deliberately what would better have been left unsaid. If they had followed the advice of the Hon'ble the Finance Member when he asked us to judge the financial problem calmly and soberly, we would not have heard what has been said. I think that the Bill is a reasonable one. There is one little objection, however, and that is that the tax is likely to be too heavy. With this little modification I would support the Bill.

Dr. JATINDRA NATH MOITRA: I rise to oppose this and all other taxation Bills on principle. I admit, Sir, that our Government is in a miserable plight so far as her finances are concerned and that it is likely to come to a deadlock if the state of affairs continues. I am not an unnecessary obstructionist and I would be very glad to help Government whenever possible. But that is no reason why I shall lend my support to put another halter round the neck of my countrymen. You all know, Sir, that the Government is alone responsible for its own misfortune. The attention of the Government was repeatedly drawn by the people from their congresses, conferences and other public meetings that the so-called "Reforms" meant a much heavier expenditure which our people could hardly afford—considering their slender resources.

Sir, the creation of several new high-salaried appointments and the exorbitant all-round increase of the pay of the other incumbents without any corresponding increase in the revenue of the State can have only one result—bankruptcy or collapse. Over and above this there exists the unjust and inequitable settlement of provincial revenues by the Meston Committee. Sir, it is very sad to reflect that with a gross income of nearly thirty crores of rupees Bengal cannot meet her requirements costing less than 12 crores. Is it right. I ask you, Sir, is it right, is it just, is it equitable to tax people again and again, to suit the whims and caprices of the Government? Is it honest, I again ask you, Sir, to tax a

country where the " health and plenty " of Goldsmith have long ceased to cheer " the labouring swain "?

Sir, in remedying bodily ailments the cause or causes must be found out, and so long as the root causes are not removed, the chances of cure are always remote. In the outer world, also, the same rule applies, and it is not difficult for one to find out that the remedy lies not in fresh taxation with its questionable and doubtful benefit but in retrenchment of expenditure of this top-heavy and plethoric administration and also in every possible way in unsettling the settlement of the Meston Committee which has shown singular stepmotherly attention to this benighted land. Many settled things have been unsettled of late, and is it too much to expect that the financial position be readjusted in the light of present unhappy experience? Bengal does not want any favour from other Governments. Let her own money be first spent towards her own requirements and the balance, if any, be spent towards the succour of the Central Government. The people of this helpless land have reached the " point of saturation " and any further addition to their difficulties will, I am afraid, crystallise them into a bigger band of non-co-operators or add fuel to the fire, leading to a general conflagration.

Sir, I have lost all faith in Government after my personal examination of the persons in the Faridpur Jail and the report made on my report by a hurried Government *communiqué* based on the information given by the very persons who were charged for excess in my report. I may say that the Magistrate's report was——

Colonel A. J. PUGH: May I rise to a point of order?

The DEPUTY-PRESIDENT: The member had better not go into details.

Dr. JATINDRA NATH MOITRA: I wonder at the sanity of the Government who want the people to still believe in their good faith.

The fact that we have joined this Council does not mean that we will have to bow down to every act—agreeable or disagreeable—just or unjust initiated by the Government. We are supposed to have a head on our shoulders, and that head should be given a chance to judge every question on its own merits.

Mr. SYED NASIM ALI: To me it seems that the simple issue before the House at the present stage of the Bill is whether it should be referred to a Select Committee. That is the plain and simple issue. We must not enter into irrelevant matters. We must discuss only the principle which we should have in connection with this Bill. From what I have heard, it seems that the principal opposition rests mainly on three grounds. Some of the speakers opposed the reference to a Select Committee on the ground that we should enter a protest against the repressive policy inaugurated by the Government. To me this particular argument seems to imply that the Legislative Council, as it is at present constituted, can only constitutionally oppose a particular policy of the

Government by refusing money for carrying on the administration of their Government. If that is the principle which we are to follow in opposing this Bill, are we to understand also that we are to bring to a standstill the present administrations of the province? I do not think that any responsible member of this Council ever cherishes the idea that we should bring the administration of the province to a standstill. That cannot be his object and I presume that is not his object. Then what other object has he in view? To me it seems that the other object is that the Government might be coerced to repeal the Criminal Law Amendment Act, to give up its present repressive policy. Sir, I have heard many things about these repressive measures, but unfortunately up to the present no member has yet told the Council what other steps could have been taken by Government at that critical moment. It is very easy to destroy. Where is the constructive suggestion? As responsible legislators you should point out to the Government—don't follow this but do this, we must maintain law and order, we must not allow the country to be thrown into a revolution. We should not only criticise the actions of the Government but we should honestly criticise. The object of the legislative body in criticising the policy of the Government is not to destroy the Government but to help it in carrying on the proper administration of the country. Has any member yet suggested that instead of these repressive measures a particular procedure should have been followed?

Mr. HUSEYN SHAHEED SUHRAWARDY: May I rise to a point of order, Sir? I did suggest a particular procedure. I said that if the repressive measures were withdrawn, law and order would be maintained.

Mr. D. C. GHOSE: Is that a point of order, Sir?

The DEPUTY-PRESIDENT: You may go on, Mr. Nasim Ali.

Mr. SYED NASIM ALI: Mr. Suhrawardy has suggested that if the repressive measures are withdrawn, law and order would be maintained. That is the ordinary law of the country and that it is quite enough to cope with the present situation. That is perhaps the constructive policy suggested. Let us examine it. Of course, whether the present law, or rather the policy which was being carried on before the new policy was inaugurated, was sufficient at that particular stage to cope with the present situation, was distinctly shown to be ineffective, I think, by the silence of the members of the Legislative Council after His Excellency delivered his speech. If the members honestly believed that the ordinary law of the country was quite enough to cope with the situation——

Rai RADHA CHARAN PAL Bahadur: But ordinary law was not applied. The law was entirely set aside.

The DEPUTY-PRESIDENT: Order, order, you must listen to the speaker in silence.

Rai RADHA CHARAN PAL Bahadur: Yes, and in reverence. (Laughter).

Mr. SYED NASIM ALI: If that was so, I think these members should now say that the repressive measures should not have been followed or that the Criminal Precedure Code or the Indian Penal Code was then quite enough; they ought to have suggested the same thing when the motion for the adjournment of the House for considering the situation was considered, but excepting a very few, all the gentlemen remained silent. (Cries of " No, no. ")

Rai RADHA CHARAN PAL Bahadur: We were not allowed to discuss His Excellency's speech.

Mr. SYED NASIM ALI: When I said that, excepting a few, all the other gentlemen remained silent, some of my friends said that they were not given time. But to me it seems that there were at least some who did not go so far as to say that the existing law of the province was quite enough to cope with the situation but some measures should be taken but they must not be coercive. If that was so, it was a question of limit, it was a question of degree. Therefore to me it seems that if any member would suggest a definite constructive policy by which law and order can be maintained, and if that policy is definitely proposed for the Government and if the Government does not accept it inspite of the fact that law and order can be maintained, it is then and then only we can say that we must dissociate ourselves with the present policy of the Government. It is therefore easy to criticise, but criticise it with the object of improving it and not simply with the object of destroying it. Therefore at the present stage when up to the present no constructive programme has yet been placed before the Government for its consideration for the maintenance of peace and order, in the face of the present situation of the country, it seems to me that the Council would not do well at the present stage to refuse help to Government by providing money. One other objection and I think a very serious objection, on the face of it, was urged on the ground that under the Government of India Act, under the Meston Committee's statement, under the present rules, the legislative body has got very little power. Therefore we will use it as a constitutional weapon in order to get more powers and privileges and to get the Meston Committee's report unsettled, or in other words that, being co-operators and members of the Council, we will use a constitutional weapon in order to put pressure upon Parliament or the Secretary of State or the Government of India to bring about a favourable financial adjustment. That may be a very nice suggestion and very catchy too, but we must also consider that we have got to carry on the Government until and unless that constitutional weapon becomes effective and succeeds in enabling us to gain our object. That would require some time. Then the Hon'ble Member suggests that if we reject these Bills the Government will be at a standstill and there will be a hue and cry. Representations are bound to go forth to the Government of India

and to the British Parliament, so that our constitutional position may be considered and the Meston Committee's report may be upset. If that is the object, to me it seems that we must at least according to their suggestion suspend the Government for some time until and unless we can show by constitutional means that we are in a position to unsettle things, or in other words, the present legislative body has not power enough to put pressure upon the British Parliament to give us more powers. To unsettle settled things, *i.e.*, until and unless we can make that experiment successfully, we ought to remain idle and let the administration remain as it is. To me it seems that it would be rather a trying and hazardous experiment in view of the present circumstances outside the Council. That would not be a reasonable attitude to take up at the present moment. If it is a fact that we want that the Meston Committee's report should be unsettled, let us proceed constitutionally, and I think that Government well help us in wielding that constitutional weapon to right the wrong. I think His Excellency has said in unmistakable terms that injustice has been done so far as the financial adjustment is concerned. If we as a constitutional body take up by constitutional means the only weapon that we have got, I think we will get the co-operation of the Executive also in the matter. But in the meantime the Government has to be retained to carry on the administration of the country. Further, to me it seems that it would be rather unwise at the present stage to try that hazardous experiment. This is the first year of the Reforms and we have come here to make the Reforms a success. But if from the very beginning we try to create a deadlock in the Government, I do not think that the British Parliament will also then think that we are the persons who can really wield constitutional weapons and make the Reforms a success. We must show that by constitutional and legitimate means we are fit to do things and not to hasten revolution and anarchy by bringing about deadlock in the administration. Then, Sir, another argument was advanced and that was purely on the financial condition of the country. One of the members suggested that the people have been taxed to the utmost length and the poor people cannot bear the brunt of the taxation. I quite agree with my friend that the poverty of the province is a great bar to the imposition of fresh taxation. What other remedies are left? Borrowing is impossible.

The DEPUTY-PRESIDENT: Your time is up, but you can finish the sentence.

Mr. SYED NASIM ALI: If borrowing is impossible we have got to effect retrenchment. No member has yet suggested that after the retrenchments that have been affected any other retrenchment is possible under the circumstances.

The DEPUTY-PRESIDENT: You should resume your seat now.

Mr. SYED NASIM ALI: I have not yet finished my sentence, Sir. As a lawyer I feel diffidence as to whether constitutionally or legally we can reduce the salaries of those persons whose salaries had been fixed under the old Government.

Babu JOGENDRA NATH ROY: I rise to oppose the Bill on principle. For, I hold that the introduction of the Bill is not only permature, but also ill-advised. Practically no case has been made out for fresh taxation in Bengal. I have listened with attention to what has fallen from the Hon'ble the mover, and regret that his words have failed to carry conviction. For, it has not been proved to our satisfaction that retrenchment is impossible and the people must be burdened with further taxation. The budget shows a deficit of 2 crores and 12 lakhs. But the Government of India have promised to remit next year our provincial contribution of 63 lakhs. The irreducible minimum deficit for 1922-23 would be about 90 lakhs. And this, if necessary, may be met from the unspent balance at the disposal of the Government.

The proper course for the Government to adopt would have been to appoint a Committee or Board to consider the question of retrenchment and then to act according to the finding of that Committee or Board. No such thing has been done. The Government have done nothing to reduce expenditure by an anna, to cut their coat according to the cloth. And consequently they cannot expect that the Council would agree to place more money at their disposal for the ordinary expenses of administration.

In place of one Lieutenant-Governor and one Chief Secretary, we now have, for a diminished area a Governor, four members of the Executive Council, three Ministers and any number of Secretaries and Under-Secretaries. No economy has been introduced in the upper ranks, while reduction in the lower ranks, such as the registry offices and the courts, have only resulted in the inconvenience of the public. The whole arrangement demands a sifting inquiry.

Had it been for some specific and special purpose, this Council would surely have been ready to give the proposal for further taxation its earnest attention. I remember, Sir, that Mr. Biss in his "Report on the Expansion and Improvement of Primary Education in Bengal" cast longing eyes on this yet unexplored source of revenue. "Calcutta," he said, "has an unworked gold mine awaiting development in an amusement tax on the thousands and tens of thousands of people who go to races, footballs, matches, cinemas and theatres and so on and who obviously are not short of money." But it is not for the expansion and improvement of primary education that the Government want to work this mine. They want to work it for meeting the ordinary expenses of their costly administration. And to this we cannot agree unless and until we are satisfied that every possible retrenchment has been made.

The first fruits of the Reforms have been bitter indeed. Deficit is writ large on the budget of Bengal, expenditure has gone up, and even the ordinary amusements of a poor people must be taxed. Calcutta, or rather Northern Calcutta, has not got its Coliseum, where a programme has to be bought for 3*d.*, or its Majesty's Theatres of Royal Court Theatre, where a programme would cost 6*d.* It has its modest theatres and cinemas, where poor people enjoy a few hours' amusement after the day's work and pay only a few annas for it. Even these must now be taxed. Tax them by all means if it cannot be helped, but you must convince this Council that you have made all possible retrenchments consistent with the efficiency of the administration and must have more money to keep the Government going. This has not been done. And we, as representatives of the people, would be failing in our duty if we consent to the introduction of this Bill before we are convinced that the pruning knife has been properly applied and the interests of the people have not been sacrificed to keep up the phantasmagoria of a costly administration, with a plethora of Members of the Executive Council and a profusion of Ministers, all drawing princely salaries unheard of in France or America, Japan or Germany. The Ministers go out on tour and promise to give this and that, provided more money is placed at their disposal. Tax, tax, tax—that is the burden of their song.

It is, I consider, a sound principle that the ordinary revenue of a province should suffice to meet the ordinary expenses of its administration. And before this Council can conscientiously lend its support to the measure before the House, we must be convinced that in Bengal an efficient administration cannot be carried on with the ordinary revenues of the province. Let a Retrenchment Committee be appointed. Let that Committee consider how economy can be effected. And then, if further money is necessary, let the Government come to the Council when the next budget is presented to ask for more money. Till then, the work of administration will go on without this Bill.

We cannot be a party to the patchwork compromise hastily arrived at without consulting the country. With trade languishing, commerce in a deplorable condition, and scarcity prevailing in parts of the Presidency, this is hardly the time to introduce a Bill with a view to empower the Government to levy further taxation on the people.

This is the reason why I find myself unable to support the proposal before the Council and consider it my duty to sound the tocsin of alarm, that if fresh taxation is resorted to without effecting economy in the administration, discontent will deepen in the Presidency and may lead to an unfortunate state of affairs, which it should be the earnest endeavour of every one of us to avoid.

Rai HARENDRANATH CHAUDHURI: However much one may be opposed to the new taxation proposals, one cannot but admire the lucid

and eloquent speech delivered by the Hon'ble the Finance Member yesternight. The speech, especially its preroration, is so persuasive that it is likely to carry one off his feet unless one bears in mind the central fact and the fundamental question regarding the present financial situation. What is this central fact and this fundamental question? It is this, *viz.*, that the deficit which stares us in the face—the deficit to meet which new taxes are being proposed—is after all, not an actual deficit—not an economic question, but a "constitutional" deficit, something conjured up by the new constitution—something which arises out of the Meston arrangement—Frankenstein raised by the Reforms. Nobody denies that Bengal yields the largest revenue, that the people of Bengal bear the heaviest burden of taxation, yet it is maintained that because the Meston Committee has done a grave injustice, because the Government of India will not undo the wrong, therefore the people must tax themselves further to carry on the administration. Admitting even the premises, one fails to appreciate how the conclusions legitimately follow—how the responsibility for carrying on the administration by suffering further taxes can, even temporarily, be shifted on to the shoulders of the people, unless of course it be a piece of diarchic dialectic too difficult for ordinary people to understand. The people of Bengal might say: "Let those who have introduced the Reforms, who are responsible for such an unjust, iniquitous arrangement, bother their head about carrying on the administration as best they can; we poor people are neither responsible for it nor are prepared to submit to fresh taxation just for carrying on the ordinary administration of the province. Our resources are locked up there; you can, if you will, find out the key. We cannot agree to submit to further injustice in the shape of taxation for ordinary administrative purposes, so long as the injustice which has admittedly been done to us is not undone—the wrong is not set right." As I don't know what is the honest rejoinder to such an answer, I am not in a position to support the taxation Bills. The issue may be (though I do not admit it to be so, because I don't believe that all possible retrenchment has been done) efficient admiration on the one hand, and a breakdown in the present method of administration on the other, but the choice or rather the responsibility for choosing either alternative does not rest with us—the people. The exhortation to look upon the situation as a misfortune in domestic economy becomes pointless when we remember that it is not an economic question at all. The threat of a breakdown in the administration comes with an ill grace to those who are not responsible for the present financial situation whose only fault perhaps is that they raise the largest revenue,—equal to that of Bombay—one and half times more than that of Madras,—more than double that of United Provinces—and incomparably larger than that of any other province in India. With these words I oppose the Bills, and by doing so I think I

strengthen the hands of the Government in what further endeavours they might make to get the Meston arrangement reversed.

Maulvi KHANDAKAR ARHAMUDDIN: In view of the present economic distress of the people, specially the poorer classes, who will really be taxed, if the Bill is passed into law, I venture to enter my utmost emphatic protest against it. In my humble opinion this Bill should be dropped altogether. It is not only objectionable on account of its too high a rate, but the very idea of an additional taxation on the people, many of whom will undoubtedly be the poorer, classes, mainly the agriculturists, is objectionable. Because, whether the court fees are first paid by the money-lender or landlord, ultimately the poor raiyat is to be tapped.

Mr. S. M. BOSE: I rise to a point of order. The Hon'ble Member is dealing with the Bill relating to the amendment of the Court Fees Act and we are not discussing it at the present moment.

Maulvi KHANDAKAR ARHAMUDDIN: Then, again, the present situation of the country is also to be taken into consideration. The people are gradually imbibing the principle of non-co-operation and they are being earnestly instructed to keep themselves aloof from the law courts. Now, if there be an imposition of a fresh burden upon the people, it will give a fresh weapon in the hands of the non-co-operators. Scarcely a year has passed since the introduction of the present form of Reformed Government in this country, and now we are anxious to pass a Bill which will touch the pocket of almost every individual raiyat who——

The DEPUTY-PRESIDENT: You should not discuss the Bill regarding the amendment of the Court Fees Act or the Stamp Act.

Maulvi KHANDAKAR ARHAMUDDIN: Who might be compelled to take the shelter of the law courts to secure his person and property.

The DEPUTY-PRESIDENT: We are not now dealing with the law courts. It is the first Bill on the agenda paper—the Amusements Bill—that is before the House. You can speak about the others when they are taken up.

Adjournment.

The Council was then adjourned to Monday, the 23rd January, 1922, at 3 P.M., at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 23rd January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 111 nominated and elected members.

Starred Questions
(to which oral answers were given).

Cotton industries.

***IX. Rai LALIT MOHAN SINGH ROY Bahadur:** (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state how many *charkas* and handlooms have been introduced by the Department from January, 1921, to November, 1921?

(*b*) Will the Hon'ble the Minister be pleased to state whether the introduction of cotton industries on a large scale will be feasible at all?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) Approximately 3,860 fly-shuttle looms and 1,000 *charkas* have been introduced during the period.

(*b*) Government are not in a position to make a statement on the subject. The possibility of introducing cotton industries on a large scale depends on the supply of raw cotton available at favourable prices. This is a matter which is under investigation by the Agricultural Department.

Recruitment for the higher grades of Public Health and Medical Departments.

***X. Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what is the procedure that is adopted for the recruitment of officers in the superior services of the Departments of Public Health and Medical, and to lay on the table a statement showing the number of officers of the superior grades recruited in England in the year 1920-21?

SECRETARY to GOVERNMENT, DEPARTMENT of LOCAL SELF-GOVERNMENT (Mr. S. W. Goode): (*a*) The superior officers in the Public Health Department belong either to the medical or the engineering profession. The Director of Public Health and Assistant Directors of Public Health are selected in accordance with the Government of India's resolution No. 921-36, dated the 23rd May, 1912, a copy of which is laid on the table. The Public Health Laboratory is under the control of the Director of Public Health; the Director of the Laboratory is an I. M. S. officer who has recently been appointed by the Ministry of Local Self-Government. No definite rules have been laid down to govern the recruitment of officers in the Engineering Branch of the Public Health Department. These appointments are made by the Ministry of Local Self-Government. No officers for the superior grades of the Public Health Department were recruited in 1920-21.

(*b*) Officers in the Superior Service of the Medical Department are mainly I. M. S. officers. The Indian Medical Service is a Military Service; its members are recruited in England after passing the prescribed examination, and their services are lent to Provincial Governments by the Government of India for employment on civil duties. No officers of the superior grade were recruited for the Medical Branch of the Public Health Department in England in 1920-21.

Resolution No. 921-36, dated Simla, the 23rd May, 1912, referred to in the reply to starred question No. X (a).

The Government of India have had, for some time, under their consideration the question of the improvement and strengthening of the sanitary services in India. The Plague Commission, in 1901, strongly urged the necessity for the improvement in certain directions of the organization of the Sanitary Department in India, with the object of dealing more effectively with outbreaks of plague and other epidemics, and with the general sanitation of India. In 1905, a scheme was formulated by the Royal College of Physicians, for the creation of a medical and sanitary organization in India, and the inadequacy of the sanitary services, as then constituted, was again emphasised.

In 1907, the Government of India addressed all Local Governments inviting them to consider certain proposals for reform. The views of Local Governments have been considered in detail, and a scheme has now been formulated which has received the sanction of the Secretary of State. The object of this Resolution is to indicate, for general information, the lines on which it is proposed that reorganization should proceed.

2. The administrative machinery of the Sanitary Department is already, in most respects, fairly complete and efficient. The improvements that the Government of India desire to effect are in the direction of further decentralization of control; of widening the field of recruitment by throwing open the higher posts to fully qualified Indians of proved aptitude; of strengthening the staff in some provinces in which, at present, it is admittedly inadequate.

3. Hitherto, the appointment of Sanitary Commissioner in all provinces, with the exception of Madras and Bombay, has rested with the Imperial Government.

The Government of India have now authorized all Local Governments to select their Sanitary Commissioners from officers serving in the Provincial Sanitary Department, provided that no officer of less than fifteen years' service be appointed without their previous sanction. They will also retain the selection in their own hands when no suitable officer is available in the province, or when the Local Government desires to appoint an officer serving in another province. The Government of India, further, do not consider it desirable that there should be any limitation to the tenure of the office of Provincial Sanitary Commissioners, and the existing orders on the subject contained in the Home Department Resolution No. 4-340-51, dated the 7th June, 1888, are cancelled.

4. It has become evident that the existing number of Deputy Sanitary Commissioners in more than one province is inadequate, in view of the exacting nature of the duties which they have to perform, and the unwieldy size of their charges. The area served by these officers ranges from 129,241 square miles in Madras, to 24,597 square miles in Bombay, and the population from 36½ millions in Madras to 3½ millions in Bombay. The Government of India have now decided to create eight additional appointments of this class, two each in the three provinces of Madras, Bengal and the United Provinces, and two which were originally proposed for Eastern Bengal and Assam. The allotment of these posts, with those sanctioned for Bengal, will require readjustment in view of the recent administrative changes.

The appointments of Deputy Sanitary Commissioners will no longer be reserved for officers of the Indian Medical Service, and Indians possessing the necessary qualifications will be eligible for these posts. The selection of candidates for Deputy Sanitary Commissionerships, whether officers of the Indian Medical Service or not, will remain with Local Governments subject to the following conditions:—

(1) that the candidate holds a British diploma in public health and a registrable medical qualification;

(2) that no officer is appointed who is to not an accepted candidate for the Sanitary Department; and

(3) that the Government of India is asked for an officer when the Local Government has no candidate available who is qualified and on its accepted list of candidates.

5. The Government of India consider that the terms to be offered to Deputy Sanitary Commissioners, not belonging to the Indian Medical Service, should be non-pensionable, but that the scale of pay should consequently be fixed at rather more than two-thirds of the pay of Indian Medical Service officers in the Department. The scale which they have determined is as follows:—

	Rs.
Years of service—	
1-2 (probationary)	500
3-5	600
6-10	700
11-15	800
16 and over	900

For approved service of over 20 years, pay of Rs. 1,000 will be given up to 25 years, which will ordinarily be the limit of service. Officers appointed on this scale will be eligible for leave under the Indian Service Leave Rules. First appointments will be made on probation for a period of not less than two years, and no officer will receive any increment of pay during the probationary period of his service; but in the case of men who have rendered approved service as municipal officers of health, the period of probation may be dispensed with, at the discretion of Local Governments, and the full rate of pay (viz., Rs. 600) allowed. All Deputy Sanitary Commissioners will be debarred from private practice.

6. Another part of the administrative machinery which has attained a position of varying usefulness in different provinces is the Sanitary Board. These Boards are beneficial in emphasising the importance of the subject of sanitation, in correlating sanitary schemes with administrative exigencies, and in securing direct discussion between sanitary experts and those who can appreciate and represent the attitude of the general population. The constitution of these Boards should, the Government of India consider, be determined by the Local Government with reference to the functions with which they are to be entrusted. If the Board is purely an advisory body, it should contain the smallest number of persons sufficient to ensure that projects submitted to it will be examined adequately from the points of view of public health, of engineering and of finance and general administration. If the Board has specific powers of sanction, and is, within certain limits, practically to represent the Local Government in matters of sanitation, it will appropriately be larger; but it cannot, in the Government of India's opinion, be desirable that a large body of officials without power to sanction schemes should be interposed between the local authorities and the provincial Government.

7. The weakness of the executive establishment of the service, and the inadequacy of the staff of trained officers of health, is a defect which has been prominently brought to the notice of the Government of India, the remedy for which is a necessary preliminary to any substantial improvement of sanitation. The Presidency towns and a few of the larger cities have such officers; but as a rule the Civil Surgeon is the only health officer of the towns in a district. It is difficult for him to give sufficient attention to the sanitary requirements of the headquarters town; it is impossible for him to make more than an occasional inspection of other towns. The scheme now sanctioned provides for the appointment of health officers of the first class for larger municipalities, and of the second class for the smaller towns, in accordance with detailed proposals received from the Local Governments. A health officer of the first class will be required to have a registrable medical qualification and a British diploma in public health. The necessity for a British diploma will, however, be only temporary, as the Government of India trust that it may be possible to remove the second restriction, so soon as arrangements can be made in India which will enable Indians trained in this country to become health officers of the first class. For health officers of the second class, the main qualifications will be a good general education, supplemented by a course of training in public health approved by the Local Government. A salary of Rs. 300—20—500 is considered suitable for officers of the first class (with higher pay in exceptional cases), and of Rs. 150—10—300 for officers of the second class. The Government of India leave it to Local Governments to determine, in the case of both classes, whether a provincial service should be constituted or whether the appointments should be local, but they consider that grants-in-aid by Local Governments should be made only on conditions which will ensure that qualified men are appointed, and that they will have reasonable security of tenure. They also consider that the necessary power should be vested in Local Governments to require a municipality to appoint a health officer, and to veto the appointment of an unfit person.

In order to assist Local Governments to establish this trained service, the Government of India have offered to grant an annual subsidy to those Governments which cannot find the money from provincial funds, to the extent of the entire cost of the additional Deputy Sanitary Commissioners (calculated at the rates proposed for men not belonging to the Indian Medical Service), *plus* half the cost of the municipal health officers in the towns in which Local Governments consider they should be appointed. It is hoped that the balance can then be found by the municipalities and Local Governments concerned.

8. The subordinate supervising staff of the conservancy establishment also calls for improvement. In most towns there is an official whose functions resemble those performed by an inspector of nuisances in England. It is, however,

exceptional to find in this position a man who has any technical knowledge of his work. The Government of India think it desirable that a service of trained sanitary inspectors should be organized in municipalities, based on such standard of population, income or area as recommends itself to the Local Government. They have recommended to the notice of other provinces the system in force in Madras, whereby every municipality is required to employ at least one trained inspector, a second inspector if the population exceeds 30,000 and three inspectors if the population exceeds 50,000; but they leave it to Local Governments to determine the preliminary qualifications to be required from candidates, the course of training they must undergo, and the rates of pay to be given. They trust that Local Governments will be able to give assistance to such municipal bodies as require it, in the organization of this subordinate staff.

9. The Government of India are confident that the schemes now sanctioned will mark a substantial advance towards the organisation of a trained sanitary staff capable of further expansion in the future, and which will prove an efficient agency for extending a knowledge of elementary hygiene among the people.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: Does the medical department which lends the services of medical officers to the Indian Medical Service for provincial purposes, contribute anything towards the maintenance of these officers; that is to say, does the Government of India pay anything to the Provincial Government in consideration of the maintenance of the medical officers who are in military service, and whose services are lent by the Provincial Government?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): No, the Government of India does not make any contribution at all for these officers, but the matter is under the consideration of the Provincial Government as to whether the Government of India should be addressed on this subject.

Unstarred Questions

(answers to which were laid on the table).

Water-hyacinth.

84. Khan Bahadur KHWAJA MOHAMED AZAM: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to lay on the table a statement showing—

(*i*) the number of acres of lands in the district of Dacca wherein rice crops were totally destroyed by water-hyacinth during the last rainy season; and

(*ii*) the steps taken by the Department of Agriculture to remedy the evil?

(*b*) Is the Hon'ble the Minister aware of the fact that the procedure of simply directing the people by beat of drum a little before

the commencement of the rainy season to destroy water-hyacinth produces no good result?

(*c*) If so, what further steps, if any, are the Government contemplating taking in the matter?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) (*i*) Exact information is not available. The following figures furnished by the Magistrate of Dacca, however, furnish a rough idea of the area affected by water-hyacinth in the Dacca district:—

Subdivisions.		Total area in square miles.	Area affected by water-hyacinth in square miles.
Sadar	North	785·73	100
	South	432·43	144
Narayanganj		670 24	335
Munshiganj		322·76	322 76
Manikganj		499 79	350
Total ...		2,710·95	1,251·76

(*ii*) The Agricultural Department has been mainly concerned in finding out ways of destroying and of utilizing the weed, the problem of its clearing and collection being dealt with by the district boards and district officers in different parts of the Province.

With regard to the destruction of the weed, detailed experiments have been carried out with a spray with promising results.

With regard to the utilization of the weed, experiments were undertaken in 1914 with the dried hyacinth (which was found on analysis to be rich in potash), with a view to arriving at the manurial value of both the rotted plant and its ash. The conclusions arrived at were published in the Pusa Bulletin No. 71 of 1917, a copy of which is laid on the Library table. These results were circulated among the cultivators in the form of pamphlets and leaflets and as an effect of the propaganda both the rotted hyacinth and ash are now used throughout Eastern Bengal as manure, though only to a relatively small extent.

(*b*) Yes.

(*c*) A Committee has been appointed to inquire into the spread of the water-hyacinth and to suggest measures for its eradication. The Committee's report is being awaited.

Survey and Settlement operations in Mymensingh.

85. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to lay on the table a statement showing—

(*i*) the amount realised, and

(*ii*) the amount actually spent, on account of survey and settlement operations in Mymensingh?

(*b*) If there has been any saving, how are the Government proposing to spend the same?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) and (*b*) A reference is invited to the replies given to unstarred question No. 172 at the meeting of the 4th July, 1921. Later figures are not available.

Public Works Department (Roads and Buildings).

86. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to lay on the table a statement showing—

(*1*) the total number of—

(*i*) Superintending;

(*ii*) Executive;

(*iii*) Assistant Executive;

(*iv*) Assistant Engineers;

(*v*) Upper Subordinates; and

(*vi*) Lower Subordinates

employed in the Roads and Buildings branches of the Public Works Department in 1905, 1912, 1919-20, and 1920-21;

(*2*) the cost incurred in—

(*i*) salaries,

(*ii*) travelling allowance, and

(*iii*) overseas allowance, respectively, for the classes of officers and the costs incurred in actual works in the years mentioned in (*1*) above;

(*3*) the number of the circles and divisions in which the works of the abovementioned branches were in those years;

(*4*) the total charge for the maintenance of the above branches of the Public Works Department in the Presidency in those years; and

(*5*) the works of special merit or distinction, if any, performed by any one of the class of officers mentioned in (*1*) above and the names of officers performing such works?

(*b*) Is it not a fact that most of the works done by officers mentioned in (*1*) above are really performed by the contractors on contract system?

(*c*) If the answer is in the affirmative are the Government considering the desirability of abolishing these two branches?

(*d*) Will the Hon'ble the Minister be pleased to state what are the directions in which the Roads and Buildings branches of the Public Works Department have improved since 1905?

MINISTER in charge of DEPARTMENT of PUBLIC WORKS (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) The preparation of the statements asked for will involve an amount of inquiry and labour which appears to be incommensurate with the utility which may be expected of them. Much of the information is contained in lists of establishment and in Administration Reports published periodically during the periods referred to and by consulting these the member could himself obtain much of the information asked for. That which is not obtainable in this way will be collected and laid on the table in due course if, in view of the above facts and after further consideration, the member still considers it is to public interest that it should be specially collected.

(*b*) No; Contractors are not employed to draw up proposals and work out in detail the projects and designs for buildings and other public works required by the various Departments of Government and in the general interests of the Presidency. Work of this nature is undertaken by the officers and subordinates of the Public Works Department. They are also required to direct and supervise the work of contractors, to see that the terms of their contracts are fulfilled and generally that value is obtained in return for the expenditure of public funds. An agency is also necessary for arranging and directing the operations involved in the maintenance of the various buildings and public works with which the Department is charged. Rent for residential buildings is recovered through the agency of the Public Works Department and not by contractors. The officers and subordinates of the Roads and Buildings branches of the Public Works Department are required to advise Government in all technical matters connected with public works in these branches.

(*c*) As the answer is in the negative the question does not arise.

(*d*) The nature of the information required is not understood.

Platforms on Tarakessur Branch Railway.

87. Babu SURENDRA NATH MALLIK: Will the Hon'ble the Minister in charge of the Department of Public Works be pleased to state whether any steps have been taken for the construction of a second (or down) platform in the Singur station of the Tarakessur Branch of the East Indian Railway and for the construction of a platform in each of the smaller stations (like Nasibpur) of the said railway, where there are no platforms at all?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: Reference is invited to the answer given in November, 1921, to question No. 51 put by the member on this subject.

The attention of the Railway Board and of the management of the East Indian Railway has since been drawn to the matter, and it has been ascertained that no steps have yet been taken to provide a second (or down) platform at Singur station on the Tarakessur Branch of the East Indian Railway.

It has also been ascertained that the management of the East Indian Railway proposes to provide raised platforms at stations, as funds permit, in order of importance.

Water-hyacinth.

88. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state whether the committee, appointed to suggest means for removing the scourge of water-hyacinth, have finished their work?

(*b*) If not, is the Hon'ble the Minister in a position to state when the work is likely to be finished?

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: (*a*) and (*b*) The answer to both parts of the question is in the negative.

Inspecting staff for primary schools.

89. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Education be pleased to state whether owing to the increase in the number of primary schools, the Government are considering the desirability of strengthening the subordinate inspecting staff?

(*b*) What facilities, if any, have been provided to encourage the development of *maktabs* or primary schools especially meant for Muhammadans?

(*c*) Is it in contemplation to provide each district with one or two special sub-inspectors in places where the Muhammadan population predominates?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) Present circumstances would justify the strengthening of the subordinate inspecting staff, but financial difficulties stand in the way. No proposal is under the consideration of Government.

(*b*) Government are contributing annually (*i*) Rs. 15,000 from the Provincial Revenues for aid to *maktabs* in non-board districts and municipalities in the Burdwan and Presidency Divisions and in the district of Darjeeling; (*ii*) Rs. 39,532 is granted annually for aid to *maktabs* and *koran* schools in Eastern Bengal only; and (*iii*) Rs. 80,000 is annually available for giving higher grants to secularised *maktabs* in the Presidency.

(*c*) Four special sub-inspectors have been sanctioned as a permanent measure in certain East Bengal districts for the organisation and improvement of *kozan* schools and secularised *maktabs*, and five special sub-inspectors in charge of *maktabs* in the five divisions of the province have been sanctioned as an experimental measure for three years. It is not in contemplation to provide each district with a special sub-inspector, but if the experiment proves a success its extension will be contemplated.

Location of the office of the Assistant Inspector of Schools for Muhammadan Education.

90. Khan Bahadur Maulvi HAFIZAR RAHMAN CHAUDHURI: (*a*) Is the Hon'ble the Minister in charge of the Department of Education aware that Bogra is the central place in the Rajshahi division and is pre-eminently a Muhammadan district?

(*b*) Will the Hon'ble the Minister be pleased to state the reasons which led Government to transfer the office of the Assistant Inspector of Schools for Muhammadan Education from Bogra to Jalpaiguri?

(*c*) Are the Government considering the desirability of re-transferring the said office to Bogra in the interests of the Muhammadans?

The Hon'ble Mr. P. C. MITTER: (*a*) Yes.

(*b*) As Jalpaiguri is the Divisional Headquarters, and the Divisional Inspector of Schools is located there, it was found inconvenient to have the office of the Assistant Inspector for Muhammadan Education at Bogra. Work was delayed and travelling increased.

(*c*) No.

Additional District Magistrateships.

91. Rai RADHA CHARAN PAL Bahadur: Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement showing the number of Additional District Magistrateships in the various districts of Bengal and the proportion of these appointments now held by members of the Bengal Civil Service as against that held by members of the Indian Civil Service?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): A statement is laid on the table.

Statement referred to in unstarred question No. 91, showing Additional Magistrateships in Bengal on the 1st January, 1922.

Number held by Indian Civil Service Officers	...	4
Number held by Bengal Civil Service Officers	...	3
Total	...	7

Vocational instruction in Agriculture and Industries in primary schools.

92. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state what steps, if any, have been taken to impart vocational instructions in agriculture and cottage industries in primary schools?

The Hon'ble Mr. P. C. MITTER: No vocational education is given in primary schools. In the revised primary school curriculum gardening and manual work find a place, but the instruction in these subjects given to children of this age can scarcely be regarded as vocational.

Government Bills.

The Bengal Amusements Tax Bill.

Sir CHARLES HENRY KESTEVEN: I feel some diffidence in intervening in this debate for the reason that I do not wish to be heard either as supporting or defending the particular form of taxation which this Bill seeks to put in force. I do not wish to support the taxation, because I feel that it is one which will fall very directly on the public and because it will be productive of a great deal of public inconvenience in some of its applications. On the other hand, I do not wish to oppose it because I know Government must have the money and I am not in a position to suggest any other means by which it can be raised.

Further, I do not regard myself as very directly concerned with the entertainments tax, subject to some remarks which I shall make presently. While, as regards the betting tax, the difference between Government and the Calcutta Turf Club, if any, can be said ever to have existed are covered by the arrangement embodied in the Bill. For this reason I did not propose to speak in the debate, but one or two points have been raised on which I do not think a few remarks from me would be out of place.

With reference to the entertainments tax there is one point I should like to raise and that is that it seems to me the jump from 12 annas to Re. 1-8 is a very big one. It seems to me unfair that a person who pays Rs. 4-8 for admission to an entertainment should have to pay the same tax as a person who pays Rs. 8-8 That is, the person charged Rs. 4-8 will pay Rs. 6, while the person charged Rs. 8-8 will pay Rs. 10. I would suggest that there might be an intermediate rate of Re. 1.

Coming now to Colonel Pugh's criticisms on the question of taxation of what he called the layer's or " field " money. I am not quite sure whether he wishes that the public or the bookmakers should be taxed in respect of that sum. He said, as I understood him, that there was a difference between the taxation in respect of the totalisator receipts and that on the bettor's money. He seemed to consider that the tax in the one case was on the gross and in the other on the net. All that goes into the totalisator being taxed and all that is taxed in the case of the bookmaker's betting being their payments out. I am not sure this difference really exists. It is convenient to consider the matter as if the 10 per cent. of the totalisator receipts which is deducted is equivalent to the difference between what the bookmakers take in and that they pay out, that is the bookmakers' profit for carrying on their business. We have no information what the amount actually is; it may be 10 per cent. or it may be more or less. But I think we may regard the two as in principle on the same footing, and it may well be equivalent to 10 per cent. on the gross takings in. And it may well be considered that the tax on the totalisator takings is a tax on the winner as on the bettor as everything is paid to the winner, the holders of the winning tickets, except the 10 per cent. retained by the Turf Club. In any case it seems to me that the bookmaker is the only person who can be taxed in respect of this field money, as you cannot tax the public on anything more than the actual receipts.

Colonel Pugh seems to regard—I forget if he actually said this in his speech—the actual making of the bet as an amusement and consequently as the subject for taxation; that is all very well if it is won; if it is lost we can hardly regard it as an amusement. If we are to regard it as an amusement to find at the end of the day that we have backed nothing but losers. I think it is one the Council will feel they can very well be without. This is, no doubt, after the event, but in any

case I think we come back to the principle that we can only tax the public on their actual receipts, and that the bookmakers are the only people who could be taxed on the field money.

The Hon'ble Finance Member stated definitely that it is not the intention of the Government to put a tax on the bookmakers, but in any case it seems to me you cannot fairly do that under the scheme embodied in the Bill, because if you tax the bookmaker on the amount of every bet he receives, you do not take into consideration the fact that he has many bad debts. Another reason appears to me that you cannot tax the bookmaker on the same footing as the totalisator; because he may make a loss whereas, practically speaking, the totalisator cannot make a loss; that seems to me to be an important point. I draw attention to this point because the members may consider that the bookmakers ought to be taxed on all the money they receive. I am certainly prepared to admit that the bookmaker comes off very lightly; he is the only person concerned in the transaction who escapes taxation under the Bill, but if it is contemplated to tax him, and the Hon'ble Mr. Kerr says it is not, you will have to tax him, under a different scheme from that put forward in the Bill. In making these remarks I wish it to be understood that I do not hold any brief for the bookmakers, but I personally consider that they are a very honest class of people who conduct their business under great difficulties imposed on them by the law, and I do not know whether in any scheme that can be set on foot they are not entitled to a certain amount of protection. I do not wish to deal with the question of gambling which is a human failing which perhaps cannot be defended; but whatever we do, betting will go on, and I think it is better that if it goes on, it should as far as law and policy admit, be regulated and conducted on common sense and business principles and carried on by licensed people which would also operate for the protection of the public. As I said I am not holding any brief for the bookmakers, but I would urge very strongly upon Government that further protection should be given to bookmakers and through them to the public, by stopping unlicensed betting on the Calcutta race-course. Unlicensed betting has reached a pitch as to be altogether beyond the power of the Turf Club to control. Betting inside the enclosure set apart under the Bengal Public Gambling Act is legal for everybody, but the enclosure is filled with people who are a great nuisance and who bet in large sums of money. I have been astonished at the sums, I have been told by the leading bookmakers, that have been carried away in bets by these people. When this Bill is put into force there will be an increased incentive on the part of everybody gambling, to bet with the unlicensed bookmaker. I suggest that this point may be dealt with by a very simple amendment in the Public Gambling Act. And I believe that unlicensed betting is not only confined to the race-course. I have very good reason for enquiring that there are many places in Calcutta where illegal betting is carried on. Hitherto they

appear to have evaded the vigilance of the police, but we know that some time before a race a horse is sometimes so heavily backed off the course, and then backed somehow or other with the bookmakers that there is no chance of backing it on the race-course. On all the money that goes through unlicensed bookmakers and not through regular bookmakers, Government, not to speak of any other interested party, would lose the taxation of 2½ per cent. It seems to me that this point should be very carefully considered. In Bombay the conditions are, I am told, worse; Bombay totalisators are suffering very much and losing more and more money; totalisator receipts are going up; and this is all attributed to the existence of what they call "bucket shops," where a very large proportion of the betting on horse racing goes on.

As regards the percentages stated in the Bill, these have naturally excited comment by reason of the difference between 4 per cent. charged on the totalisator's taxation, and 2½ per cent. charged on the bookmakers' bet. The Hon'ble Finance Member has explained this, but I may again explain that the difference is explained by the fact that the Turf Club propose to bear 1½ per cent. of the tax on the totalisator out of the percentage they tax, leaving only 2½ per cent. to be borne by the public their reason being that they consider this is as much as the public ought to be asked to bear.

This is the main consideration which led the Stewards to propose the division of taxation on which the Bill is based. I ought to add that I cannot say exactly what the Stewards will do, but as it is not finally settled, but one of the most important considerations which weighed with them is that there is such a thing as killing the goose which lays the golden egg, and if you make betting too expensive, you will run a risk of putting a stop to it altogether ——

[The member having reached his time-limit, was allowed to conclude his speech.]

One remark more and I have finished. If betting is to go on it is best to regulate it on business and common sense principles and not to permit it to be carried on by unlicensed bookmakers; and this will be very much to the interest of Government in respect of the proposed taxation.

Rai RADHA CHARAN PAL Bahadur: One thing that struck me in connection with the proposal for taxation to meet the deficit is this: that we have been, since the inauguration of the Reforms Scheme, under the impression that not only the angle of vision changed, but also the procedure, the old procedure, what is called the hide-bound procedure, changed also. My experience of the Bengal Legislative Council, extending over 14 years, has given me the impression that whatever the Government wills, should be done, and is actually done in the Council. I have been looking forward since I entered this Council to a change of procedure, but unfortunately I find on this occasion, there has been no change; and to my mind what the Hon'ble Sir David Casie

said some 45 years ago in the Imperial Council is still true: " My Lord, when Government have proposed, in connection with a budget debate any proposal for taxation, they have come with a settled mind and no amount of argument will induce the Government to swerve from their course of action one way or the other "—so said he in substance. I do not know whether 45 years later, the position is the same. I do not understand why this taxation proposal did not come through what I call the Finance Committee of the Council—it is called the Public Accounts Committee. That Committee did not study the proposal, nor did they consider it and I do not know why the Hon'ble Finance Member did not move the Council to appoint a committee to consider the financial position of the province, and devise ways and means to meet the deficit. I regret very much that that has not been done. The matter has no doubt been fully considered in the Cabinet of the Government, consisting of the Ministers and Members of the Executive Council, but after all the proposal will have to be passed by the members of this hon'ble Council, and I think they ought to have been taken into confidence at an earlier stage, so that much of this opposition and many of the difficulties would have been avoided. A report by a representative committee might have obviated much of this discussion and opposition which has been raised to this proposal. I must say that I have been very much enlightened by the interesting and impressive debate on this question. Public opinion of all classes has been freely and fully expressed in this Council, and what I gather from the speeches of some of the members is the main outstanding point that the proposals for taxation should be refused altogether irrespective of the merits of the question as a protest against the repressive policy, which Government have launched into. As far as I understand, this is the argument which has been advanced by some of my hon'ble friends. With regard to that, I wish emphatically to say that I wholly support the opinions that have been expressed in this Council, the views that have been expressed by some of the hon'ble members in regard to these repressive measures as I am aware of the volume of feeling that has been created outside. I condemn, with all the emphasis that I can command, the wanton excesses that have been committed by the police sergeants, civil guards and other subordinates and agents of the Government executive, and it is not merely the enforcement of these extraordinary measures, but the actual execution of them by the agents and servants of Government, that has created this volume of feeling, not only inside but outside the Council. I do not wish to dwell on the ugly chapter of unhappy and deplorable incidents that have taken place in Calcutta at this stage, but I may just say this that those acts have driven the people to desperation and despair, though I believe it will be admitted by every impartial person that it is far from the wishes of Government that their subordinates should indulge in these acts, just as it is far from the wishes of the leaders of the non-co-operation movement that some of their members

should get out of hand and indulge in excesses or interfere with other men's liberty. The question is, suppose we wreck the whole project and refuse all proposals of taxation to meet the deficit, what will be the result? The Government will come to a deadlock; we have taken the oath and sworn our allegiance to see that the Reforms are worked out successfully; we have come here deliberately to make it a success, and if we throw out—I am not speaking of the merits or demerits of the particular measure which deserve criticism—any proposal which may be brought forward to meet the deficit, what will be the situation? The situation will be that the Government will come to grief. Do we desire, as responsible members of this Legislative Council, to do this? Assuming that the Government are not paying any heed to public complaints, they are not restraining their agents who are indulging in excesses, what can we do? Our answer is, do not wreck the Government for that reason. You have the remedy in your own hands. You have numerous resolutions, which are now before you for discussion, and if you pass those resolutions, and the Government do not give effect to them, the next course will be to take up the police budget and direct our attack on this vulnerable point. You have got before you now a proposal by the Hon'ble Sir Henry Wheeler to sanction a further sum to strengthen the Calcutta police; surely that will be the occasion when you can assert your views and force the Government to take up an attitude, which you may take as consistent with your position as the guardians of the people.

It has been argued that the Meston Committee and the Joint Parliamentary Committee have done irreparable injury to us. We have appealed to the Government of India, we have appealed to His Majesty's Secretary of State, and we have got no redress at their hands. The irreparable injury is that we are left in a chronic state of deficit from the start of the Reforms, and there is no hope of making up that deficit unless and until we consent to bear the burden of additional taxation.

With regard to that I must say that a graver injustice could not have been done to Bengal. I believe that Bengal pays a revenue amounting to Rs. 30 crores and a little above Rs. 20 crores is taken away by the Government of India, leaving about 9½ crores for the needs of this Province. I make bold to think that we can count upon the support of His Excellency the Governor if we renew our protest against the Meston Committee's findings and persist in it until we gain our point. I have great hopes in view of the fact that His Excellency Lord Ronaldshay has given expression to his opinion in such strong and candid terms that even when he retires from the helm of affairs of this Province he will take up the case of this Presidency and fight our battle; and I am also sure that Lord Lytton will back us up in this matter. I regret however that the Government of Bengal did not take up a firm and fighting attitude, which they should have done from the beginning. As far I could understand, the Government of Bengal was not so clamourous in their opposition in the beginning as they are now.

I now come to the financial position of this Province. In the very able and lucid speech of the Hon'ble Mr. Kerr he has pointed out that the estimated revenue of the Province is about Rs. 891 lakhs and the estimated expenditure is about Rs. 1,018 lakhs, leaving a net deficit of about Rs. 127 lakhs. The Hon'ble Mr. Kerr proposes to appropriate Rs. 60 lakhs from the closing balance, leaving the minimum of Rs. 20 lakhs as a balance to be worked upon, and that will leave a net deficit of about Rs. 90 lakhs. Examining the deficit in another way, I mean taking the present year's figures, we have a deficit of Rs. 212 lakhs and it is proposed to reduce that deficit in this way: that is by cutting down by way of retrenchment Rs. 85 lakhs and by appropriation from the surplus which is kept separately Rs. 40 lakhs, and adding Rs. 63 lakhs which is the Government of India's surrender of our annual tribute; this makes up a total of Rs. 188 lakhs, leaving a small margin of Rs. 23 lakhs on which Mr. Surendra Nath Mallik has laid so much stress. I do not think that the small balance of Rs. 23 lakhs only is the deficit, but if we add the shortage of receipts which, according to the figures supplied by the Hon'ble Finance Member, amounts to Rs. 64 lakhs next year, it comes to about Rs. 88 or Rs. 90 lakhs; so I find, considering the matter from whatever standpoint possible and examining the figures that have been laid before us, that I must still deplore that it should not have been examined by the Standing Finance Committee. From the figures available I think therefore that Rs. 90 lakhs is the irreducible minimum which we have to meet. It is also interesting to enquire whether further retrenchments are possible or not. Members of Council know that the Standing Committees attached to the several Departments of Government are entrusted with the task of examining the expenditure, and as they have not yet finished their labours it will take some time to get a report from them. Of course the Hon'ble Finance Member is in a position——

[At this stage the member reached the time-limit.]

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): You can complete your sentence.

Rai RADHA CHARAN PAL Bahadur: Even without completing it, what I mean to say is that, having regard to this fact, I think that we cannot but support some proposal for taxation, but what the proposal for taxation should be, is also a question which has to be considered. I submit that we should consider whether an income-tax should not be levied on agricultural lands. I do not understand why my friend, Rai Jogendra Chandra Ghose Bahadur, the redoubtable champion of the poor, should not support this proposal.

The DEPUTY-PRESIDENT: You cannot go any further.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to oppose the introduction of the Bill for new taxation on its own merits and not as

a protest against Government action as few members of this Council desire to do. I desire the Government to know that myself and 90 per cent. of those who may oppose this measure do so because new taxation is unjustifiable and not because they are against the Government. Let no prejudice be raised against this opposition nor let the supporters of the Government be induced to support the measure on the ground that opposition to it means opposition to the Government. Speaking for myself, I am bound by my pledge to my constituency, the large body of graduates of Bengal, that I would oppose new taxation. When the Reforms were inaugurated notwithstanding the jubilations of a few men who seceded from the extremist camp and formed themselves into self-styled moderates and whose expectations of large salaries and honours were speedily fulfilled, the whole country knew that the immediate effect of the Reforms would be new taxation. I must say here that this has been the case from the most ancient times in all countries and British India is no exception. Whenever the Kings of England from King John downwards required money by taxation they would grant political privileges to the people till the people became so strong that concessions from Kings were not necessary. In India the same method if followed attaches no discredit or want of *bonâ fides* to the Government.

We do not object to pay any new taxes for the purposes of Government for necessary military expenses or for expenses for preserving law and order, but what we strongly object to is that the whole money extorted out of very poor people should be taken by the officials for the increase of their salaries. Those that intend to support the Government should bear in mind that this is practically admitted by the Government without compunction or word of regret. The *Englishman* newspaper said the same thing. People in England should know that money is wanted for this purpose only. When they know that I am sure the most anti-Indian among conservatives will have some searching of the heart.

I am not one of those persons who would grudge Bengal's quota for imperial purposes. It is useless, futile, to press for reduction of it. Reduction depends not on the Government of India but upon the representatives of the other provinces who will all oppose Bengal's claims to the detriment of their own interests. I am under no illusion upon that matter. But that amount Bengal can well spare. But the question which I ask is why the cost of administration in Bengal should have increased nearly 200 per cent. since the partition. I ask the question why could Bengal, Bihar, Orissa and Assam be governed, and much more efficiently governed, than now by a Lieutenant-Governor with three Secretaries on Rs. 3,500 a month, and why Bengal alone now requires a Governor from the Peerage of Great Britain and six Executive Councillors and Ministers and nearly two dozen Secretaries and Under-Secretaries. Bengal, Bihar, Orissa and Assam have been separated from each

other and administrations duplicated, triplicated, making those administrations and their people bankrupt just to please the agitating moderates who have all got their rewards. We all know how the administration charges have gone up to the ruin of the people. The salaries of the members of what are called the Indian Services have been unconscionably raised in anticipation of the Reforms. I should like to know why the salaries of Deputy Magistrates among whom I have a son, and all other services have been raised simultaneously with the Reforms. Only last year at the instance of the Hon'ble Mr. Kerr an additional expenditure was sanctioned for raising salaries of persons some of whom out of their small present salaries have been building three-storied houses in the most expensive localities of Calcutta and elsewhere. This additional expenditure amounted to over Rs. 1 crore 90 lakhs a year. Over and above is the new additional expenditure on the Police. The Hon'ble Mr. Kerr told us yesterday that the net deficit next year would be about Rs. 90 lakhs. Did not the Hon'ble Mr. Kerr know the fact and was it not his clear duty to tell us that the additional expenditure for increase of salaries would have to be paid by a new tax? Could not that increase wait for one year? Again he has in his mind the addition of one anna in the rupee in the road cess. That means the ruin of all zamindars and tenants. Let the zamindars be ignored. The tenants will be ruined by such taxation. They are unable to pay the chaukidari tax and there are mutterings of coming open defiance of the Government. We find fault with Mahatma Gandhi and the non-co-operators. But they are blind and deaf who consider that people are forgetful of the blessings of peace, protection and progress which they enjoy under the British rule and unreasonably follow Mahatma Gandhi. Mahatma Gandhi and his followers have taken advantage of the folly of the Government and added to their propaganda impossible and impracticable conditions. The Government have driven the people to extremities and are finding fault with them, because the only way in which they can give expression to their despair is by supporting Mahatma Gandhi. English people should not forget the rebellion of Wat Tyler. The Government leaves the people no option. I would ask the Government to cry halt before it is too late. I am sure any overt rebellion will be speedily washed away in a sea of blood and order restored by the irresistable might of England, a fact to which some non-co-operators are blind. But I wish to know how you can raise money out of a destitute people for the high salaries of the officials on a scale unheard-of in much richer countries.

Now speaking on the merits of the proposed new taxation on entertainment, it is said that it is to be found in other countries. But even the *Englishman* newspaper and Mr. Pugh in this Council have pointed out that in other countries it is justified only because the proceeds are earmarked for hospitals and other beneficient purposes. We shall have no objection if that is the case here. But if the proceeds go to pay higher salaries the people must object. Mr. Pugh said the same thing,

but he added that the Government might appropriate equal amounts from the existing grants for these purposes to supply its deficit consequent on the increase of the salaries. The late Mr. Pugh who was my father's friend and who was at his time the leader of the Europeans of Calcutta would not have made this un-English devious suggestion. Readers of history knows how the Roman Consuls and Emperors provided public entertainments for the people at State expenses. Readers of books on ethics and sociology know that public cheap entertainments are more effectual in keeping the people moral and peaceful than the police and prisons. Therefore public entertainments should not be lightly taxed. If only betting at the races and share market speculations which one does not know why have been excluded were taxed, it would have received the support of every reasonable person as it might save many a man from ruin. Even so loyal an Association as the Anglo-Indian Association has opposed this taxation though its representatives has disloyally gone against his own Association.

The Hon'ble Mr. Kerr has told us that he had made retrenchments in all possible directions, and he has told us what they are. He has cut down settlement proceedings which would benefit raiyats and he has cut down expenses of the Public Works Department. This definition of retrenchment is rather novel. He might next year cut down educational charges and charges on medical relief. The pucca roads in the mufassal were all made 30 years ago and are falling out of repair on account of such retrenchment, and the villagers will relapse to their old condition of pre-British days. The Hon'ble Mr. Kerr's idea of retrenchment is to cut down expenses on the salaries of the officials. Let there be no mistake about the fact the truth of which is patent and which no sophistry can shake. When the Reforms were launched upon this unfortunate country, the Government in England and in India were not so foolish so to arrange matters that the ordinary administration could not be carried on without fresh taxation. If that were so, it would be criminally foolish statesmanship. In fairness to the Government, I cannot charge them with this folly. They unwisdom lay in the fact that they increased the salaries of the Imperial services by Rs. 3 crores and 75 lakhs in anticipation and took away the power of interfering with them from the new Councils. Even then the administration could be carried on without borrowing or new taxation. But the Government of Bengal, having a proper sense of fairness and justice, saw the necessity of increasing the salaries of the subordinate services, the constables and the menial servants who looked with green-eyed envy at the feast supplied to the superior services. During the first year of the Government under the Reforms an increase in salaries to the extent of over Rs. 1 crore and 90 lakhs, being the bed-rock deficit of the Hon'ble Mr. Kerr, has been sanctioned. Some of the increase has been sanctioned by this Council I must say with shame to myself and other members, but when the Government proposed these increases to the

salaries without mentioning the fact to us that we would have to tax the poor people of Bengal only for these, what could we do but pass the estimates? Now what do we find? We have passed resolutions for providing medical relief and drinking water and primary education to the people. We are told point blank there is no money, they must wait till increased salaries are provided for. Tax the people for the increased salaries first and then we shall see whether we can meet your demands for the primary needs of the people. Are there no Europeans here with whom lies the determining vote to appreciate the gross injustice and unwisdom of the course? We regretfully look back to the days of the old stalwarts of the European community who guided the Government officials and who were not guided by the latter. As regards the moderate members their only concern is with the salaries, but it must be mentioned that Sir Surendra Nath Banerjea and Mr. P. C. Mitter were parties to a memorial just before they got Rs. 64,000 a year in which it was stated that if an attempt was made by the Government of Bengal to impose fresh taxation on the poor for purposes of carrying on its ordinary administration, such attempt would be justly resented by the people. I call on the Ministers in justice to themselves and half dozen members of the moderate faith whose only creed is to support the Ministers and their salaries to be men and protest against the present attempt of the Government.

[At this stage, the member having reached the time-limit, had to resume his seat.]

Sir R. M. WATSON-SMYTH: In the course of this long debate we seem to have wandered from time to time very far from the real subject of discussion. The Hon'ble Finance Member has told us that we have to face a deficit of Rs. 90 lakhs which, he assures us, represents the amount which has to be found after retrenching expenditure to the utmost, and even encroaching on what is left of our balances. Government propose to raise this amount by extra taxation, and leave has been asked of this House to refer this first taxation Bill to a Select Committee. Opportunity has been taken by a certain section of this House to start a long debate which is really a vote of censure on Government for various things which they are supposed to have done, or left undone, and we are asked to throw out not only this Bill but all other taxation Bills until the various so-called grievances of this Presidency have been put right, no matter against whom the complaint may be.

The first point that has been suggested is that our budget might be squared by further retrenchment. The Government have put up a very clear case showing what retrenchments have been made and they tell us definitely that they have now got down to the bed-rock and can go no further. Personally, I am prepared to accept this statement, and nothing that I have heard during this debate has caused me to waver in my acceptance of it. I have heard various speakers say that they do

not believe that Government have reached the bed-rock, but no concrete instance has been given in which further retrenchments could be made. All criticism seems to have been by general and somewhat wild some people like to call a repressive policy. This is of course a subject on has been laid down by any one of the critics.

The next point, as I understand it, is that no taxation Bills should be even discussed while Government continue their present policy, which some people like to call a repressive policy. This is of course a subject on which every one is entitled to his own opinion, but I venture to suggest that a debate over the introduction of a taxation Bill is not the time in which to argue matters of that kind. A threat of obstruction to the administration of the Presidency by vetoing financial means of carrying on the Government is a species of frightfulness which never appeals to the ordinary man, and certainly never to a Britisher. There are many occasions, and there will be many occasions during this session, for gentlemen to pour out as much vitriolic eloquence as they like against the Government and all its works. Let us, however, keep it apart from the consideration of whether this taxation Bill is the right or the wrong way of squaring next year's budget.

And lastly it is suggested that all taxation Bills should be vetoed until financial justice has been done to Bengal by the Government of India, the Legislative Assembly and the British Parliament. I do not think that any one will suggest for a moment that Bengal has not been the victim of the grossest injustice as regards financial matters. I think we have all done our best to hammer this in to the Government of India and, as has already been said more than once, we do not for a moment admit that this financial settlement is final. It is however of no use making our position still worse in order to draw attention to a wrong which we have already proclaimed as loudly as it is possible to do. I believe there was an oriental custom that when a weak man was wronged by a strong man, he laid himself down across the strong man's door and starved himself and cut himself with knives, proclaiming all the time that he would continue this process until he died, unless his wrongs were righted, and that if he died, the strong man would bear the responsibility of his death. This was very picturesque, and, in ancient times, I understand, was extremely successful, but you cannot apply those sorts of methods to the twentieth century, and to such a prosaic affair as the administration of a Presidency. I can assure this House that the picture of Bengal starving itself to death, as a protest against the Meston Report, would have no effect on the hard heart of the Government of India. I am afraid that that Government would only lean back in their easy chairs and laugh at us, while the British Parliament would regard us with contempt and deem us unworthy even of the limited powers which they have up to now entrusted to us.

It seems to me, Sir, that the Presidency of Bengal at the moment is like a ship grievously battered by a storm—the storm of financial

difficulties. Surely it is up to us to do all we can to keep the ship afloat until she can be navigated out of the region of storms into smoother waters. What we are asked to do, however, by many speakers is to deliberately run that ship on the rocks as a protest against what they consider to be errors in navigation, and in a futile hope that the Powers above will take pity on our miserable ship-wrecked state and bid the tempest cease.

I trust that the Council will take a saner view of matters. It is not that we like extra taxation: I am sure we all hate it. It is not that we think this Bill is perfect as it stands, and I for one hope that a good many corners will be knocked off it in the Select Committee, and on its subsequent settlement in Council. I certainly have a great objection to the Bill, because it means that Calcutta will pay practically the whole of the revenue raised thereby, which will be appropriated to the administration of Bengal. There is a good deal to say on these lines against the Bill, and the opportunity will come to say them before this Bill is made law. It is not on those grounds, however, that we have been asked to throw these taxation Bills out, and I hope, as I have said before, that the Council will take a sane view and accept these Bills and allow Government to pilot them through this Council and not deliberately throw them out for purely political reasons connected with the policy of the Government of Bengal and the unjust action of the Government of India.

What this Presidency is suffering most from is a want of working capital. This throws a heavy burden on our revenues, which have to bear the weight of much that is really capital expenditure. This capital expenditure should be financed by loans. But, as the Hon'ble Finance Member has explained, no one will lend money to a Government that is for the moment technically insolvent. We must show that our revenue balances our expenditure with, if possible, a small visible surplus. Government can then inaugurate a loan policy and free the revenue of all capital expenditure. If that is done, then the proceeds of these taxes, if they are retained, can be made available from those schemes of education and sanitation which are so dear to the hearts, and so often on the tongues of many members of this Council.

Dr. HASSAN SUHRAWARDY: At the very outset I would like to say that I agree with my friend, Mr. Indu Bhushan Dutta, that the public and the country are in no mood to be taxed.

The world war and the aftermath thereof have taxed the possible resources of the people to the utmost, and the burden is being felt heavily by the middle *bhadrolok* class of Bengal. The Bengali *bhadralok* is not a business man and therefore did not obtain any share of the opulence and prosperity which the commercial communities enjoyed during the war, but have got the full share of the economic distress caused by it.

It is no wonder that the Hon'ble Mr. Kerr will speak of the deep sense of responsibility felt by him in asking the Council to consider the financial measures now before the House.

In his speech, however, the Finance Member has so clearly and conclusively proved the necessity for fresh taxation, that in spite of all that has been said against it and all that we know, it is difficult for me not to support the general principles of the Bill before us.

The necessity for more money and that taxation is the only source to be tapped for this purpose has, to my mind, been definitely made out and proved.

Money is wanted not only to keep the machinery of Government going, but also for inauguration and conclusion of the various beneficial measures of sanitation, education and development of indigenous industries for which the responsibility is entirely ours and of our Ministers. How can we take effective measures to combat against the ravages of malaria, a scourge which is eating into the core of the Bengali nation and insiduously claiming more victims than cholera, small-pox and other epidemic diseases? We want more medical men to practise in our muffasal and in the neglected rural areas and with this aim in view resolutions after resolutions have been put forward for consideration by this Council. All these require funds.

Without money we cannot found medical schools nor can we subsidise medical men nor offer them a living wage to induce them to go and practise in the villages of Bengal.

We feel grateful to our hon'ble colleague, Colonel Pugh, who, although not a representative of the Indian community and not belonging to the medical profession, has yet so forcibly recommended to Government that a good percentage of the revenue, which will be derived from this source, should be earmarked for expenditure for measures of sanitation, education and other beneficial objects from which we, the Indian community, will derive the greatest share of the benefit. I hope this matter, which is being pressed by both the European and Indian non-official members, will receive the fullest consideration of Government and of the Select Committee on the Bill. The case for taxation has been admitted even by those who have opposed the Bill. They have stated that their opposition is not due to any intrinsic demerit of the Bill, but because the proposal for taxation could not be tolerated on account of Government's present policy of repression.

I am in accord with every member who wants to criticise Government or any other body committing oppressions or repressions, but I would like my colleagues, who have opposed the Bill on this account, to make a clear case and bring before the Council definite, concrete and specific instances of high-handedness and of cruelty which have been approved by Government—simply making general remarks which cannot be verified, will not help. Similarly, if there are cases known to some of our

colleagues of highly-paid public servants who spend their time doing nothing in sanitariums and in travelling in luxurious saloons, or are provided with expensive free quarters in Calcutta, or use steam-launches to go out on shooting excursions in the name of tours, then these cases should be specifically brought up before the Council and retrenchments of such expenses effected in this year's budget, which is before us. If a person has the gift of combining hard work with recreation and exercise, which by the way improves his health and, incidentally, the efficiency and quality of his work, I think we should not break our hearts over it, but ought to try and emulate them and qualify ourselves to take up those positions which seem to be their close preserve.

On examining the merits of the Bill I find that the proposed taxation is not a direct method of taxation, which will be felt by the rich and the poor alike, but it is an indirect form of taxation. It is not an indirect taxation like the terminal tax on railway tickets which is felt by all classes of travelling public, but it is imposed only on what has been rightly said by the Hon'ble Mr. Kerr, luxuries or what, at any rate, cannot be described as necessaries of life, and it will not be seriously felt by the people who are called upon to pay and will not certainly touch the poorer class of the Indian public. The tax will be paid only by that limited class of persons who have already definitely resolved to go in for a particular form of luxury, and the new taxation which is proposed will add very little to the expenditure which such persons must incur whether this tax is there or not.

The Hon'ble Finance Member has said that the allocation of the funds derived from the new taxation to meeting of the deficit will be a purely temporary expedient, pending further relief, and that it is not to be regarded as an acquiescence on the part of the Government or the people to the very unjust financial settlement arrived at by the Government of India on the Meston Committee's Report. Therefore, I take it, that the taxation is a temporary measure and that during its operation we will go on agitating against the unjust treatment of our Province by the Central Government.

We have been confronted with a serious problem and as honest citizens we have faced the situation, shouldered the responsibility and devised this remedy simply to tide over the present difficulties. This matter should be clearly put before the Government of India and that, goaded by the narrow-minded jealousies of members from other Provinces who largely dominated the Meston Committee, they have been misled into committing this wrong on Bengal, and it must be righted on the basis of equity and justice. We all agree on this point and, therefore, let us now withhold our support from this Bill. It must be allowed to be referred to a Select Committee and there re-adjusted in the light of recommendations and suggestions made by various members of this House.

Our case has been so clearly made out by His Excellency the Earl of Ronaldshay, who spoke to us about it in this Council on the 21st November, 1921, that we are confident that the sense of justice and fairness of the Government of India will not permit it any longer to pursue this policy of neglect and of injustice towards our Province.

We, the inhabitants of this province, have to bear the burden, the discomfort and the danger to life and health from imported disease, which a large port like Calcutta carries in its wake, and yet we get no adequate return for it from our custom duties which is taken away by the Government of India, similarly the income-tax on our incomes which are taxed and supertaxed are taken away, then again the province is getting devastated, depopulated and ruined on account of the ravages of malaria and other diseases caused by the stagnation and putrefaction in the waterways of Bengal, as a result of jute cultivation, yet the blood money of the people of Bengal, the export duties from jute, are taken away by the powers who guide the policy at Simla and Delhi. This gross injustice should certainly be remedied if Government expect the people of Bengal to be with them.

Financial distress, Sir, is the seed plot on which unrest and political agitation thrive most luxuriantly. Let the Government go to the root cause of it and get financial relief for Bengal.

At the same time I ask those members who seek to throw out the Bill, have they considered what are they out for? Do they want to create a deadlock, paralyse Government and get revolution and anarchy? Or do they want a good and stable government? The answer from any reasonable man can only be one. If they want the Government of India, the British Parliament and the Secretary of State to forcibly realise the unjust financial settlement for Bengal, the time for agitating for it is not over. If they want to protest against the operation of the Criminal Law Amendment Act and Seditious Meetings Act, let them do so; there are many resolutions regarding these on the agenda of this session and let them point out the cases of repression and oppression to Government and see if they are not redressed by the authorities. It might interest some members to know that I brought some specific instances of assault by the police to the notice of the authorities, and the result has been that in each case they were fined and dismissed from the force.

Refusal of a Bill, which cannot be certified, is the last trump card in our hands. Let us act like good generals and conserve our reserves and not use it up in the first onslaught of our offensive. Remember the Criminal Law Amendment Act and Seditious Meetings Act only touch those that are out to defy law and order as established by the law of land, and they can be withdrawn, but if there is a great upheaval and lawlessness is rampant and Government is forced to declare martial law, it will touch every one of us—the good, the bad and the indifferent the flame that will be kindled may singe Government but will certainly

also consume us. Like practical men, let us not fan the flame of unrest while civil disobedience, with all its potentiality for evil and for creating unrest and chaos, is staring us full in the face. The passive, non-violent propaganda of non-co-operation has brought bloodshed and murder in its train; consider what an active form of avowed disobedience of the law of the land will result in.

Let sobriety of judgment and sanity prevail in Bengal and let the dictum of Bengal be the dictum for the rest of India.

To-day, Sir, we are occupying the unique position of being the only presidency town in India which could accord the son of our Sovereign, our future King-Emperor, a suitable and an enthusiastic reception without being marred by incidents of lawlessness and of disorder. Let us try our best to maintain this reputation and, if possible, improve matters.

Babu ANNADA CHARAN DUTTA: The most uncomfortable thing I find for this Council is to consider any taxation measure and we are faced with three such. I have often tried to bring to the notice of the powers that be the extreme poverty of the people in the interior, and in certain quarters I have been criticised for that; but the fact is a fact, and those of us who pose as representatives of the people cannot lay too much stress upon the extreme poverty of the people, so much so that they have reached the last limit of their taxable capacity. If in these circumstances a proposal is brought forward for taxation, nobody seems to be in a mood to really judge if there is a necessity for taxation or whether there is any other way out of the difficulty for the Government and everybody seems tempted to oppose it. However much I feel, that the times are such that no fresh taxation should be imposed upon us, yet I cannot shut my eyes to the bare fact that in order to carry on the Government money is required, and where this money is to come from? Up till now I have hardly heard anything in this Council of any practical suggestion as to where the money is to come from. Some attempt was made by the first speaker, Babu Surendra Nath Mallik, by some sort of calculation, that the money could be obtained by this and that method, but on an analysis, it is found that they do not hold good. We all feel that unless some drastic measures are taken to curtail the rather too expensive administration, there is no other alternative than to impose fresh tax in order to meet the deficit which has been so clearly brought out in the speech of the Hon'ble Finance Member. That being so, let us see whether we should support or oppose the present Bill—the Amusements Taxation Bill—or not. So far as this Bill is concerned, it proposes only to tax a source where people can pay without feeling it, and, therefore, I heartily support this Amusements Taxation Bill. I am sorry, however, that I will not be able to extend the same support to the Court-fees Bill.

The DEPUTY-PRESIDENT: You need not refer to the Court-fees Bill, which is not now before the House.

Babu ANNADA CHARAN DUTTA: I am glad I am not to make my observations on the Court-fees Bill. It seems to me that so far as the taxation Bill is concerned, this is surely the last source of tapping the country's resources, and it is well said that this should be earmarked for the development of the nation-building departments and ought to be a temporary measure. With this suggestion I support this proposal.

The Hon'ble Mr. P. C. MITTER: I propose to deal with a few of the arguments put forward by some of the opponents of this taxation Bill. The first point that has been emphasised by more than one member and which I propose to deal with is this. They say that by refusing this and other taxation Bills they propose to bring about a deadlock and thereby force the Government of India and the Secretary of State forthwith to remove the undoubted financial injustice to Bengal. I would ask the members of this House to consider this proposition seriously and without passion or prejudice. What is the position to-day? The position to-day is that Lord Meston's Committee had made its award: on the basis of that award certain Parliamentary rules were framed and the Joint Parliamentary Committee recommended that special consideration should be shown to the peculiar financial difficulties of Bengal. We fought over that matter: we have got some relief, though very inadequate, namely, the remission of the annual contribution of Rs. 63 lakhs for three years. Now, Sir, so long as the Meston award stands, so long as the present Parliamentary rules stand, what is the position? If we ask for relief from the Government of India, that Government under the present constitution is in duty bound to consult the Legislative Assembly. We all know what the result of that consultation has been or is likely to be. I trust that the elected members of this House at any rate will appreciate the solicitude of the Government of India in consulting its own elected Assembly. However unpalatable that course of action may be to us in Bengal, we, the elected members, cannot but appreciate this solicitude. Therefore, if we follow the advice of those members of the House who would bring about a deadlock, what will be the result? The result will be that the Government of India will again have to go before its Legislative Assembly. That body has already spoken in no uncertain terms. They have told us practically that we have no injustice to complain of, they have treated us as if we were beggars at their door. There can only be one answer by the Legislative Assembly. That answer they have already given us. They have told us—"Put your house in order and do not come to us." Sir, are we really beggars? I assert with all the emphasis that I can command that ours is a just cause, and I repeat that if we follow the proper line of action, we shall have justice, and we must have justice. What is the proper line of action which the members of this House should take? That line of action is to try our level best to set aside the Meston award and the rules based on that award, and not to ask any more for special treatment to our Province

on the basis of the recommendations of the Parliamentary Joint Committee and the rules framed thereunder. We have exhausted that line of action and have got some relief however inadequate. Let us therefore go to the root of our troubles. Let us try to get the Meston award set aside and have fresh rules framed by the Parliamentary Joint Committee. Already there are indications all over India which fills me, at any rate, with hope. From the debates in the Legislative Assembly we find that representatives of every province have come forward and asserted that the Meston award is an unjust award for every province. Many of the Provincial Legislative Councils have already asked for setting aside that award. Let us join in that movement. Let the non-official members of this House realise their duty to their country, and if I may repeat the words of Babu Surendra Nath Mallik, I desire to appeal to the non-official members of this House and specially to those who have opposed the taxation Bill—"let God give us strength not to betray our country's interest". I repeat let God give us strength not to betray our country's interest. Let us not be swayed by political passions, political prejudices; let not the popularity of the hour swerve us from our duty to our country. Let us all be united in attacking the Meston award and I trust in that effort those members of this House who oppose these taxation Bills with so much emphasis will realise their duty to their motherland. But I am sorry to say that in the past most of them shamefully neglected their duty about fighting against this injustice. Did my friend, Babu Surendra Nath Mallik, whose patriotism is undoubted, did my friend, Babu Kishori Mohan Chaudhuri whose earnestness is undoubted, did my friend, Dr. Jotindra Nath Moitra, whose desire to serve his country is great, ever address their constituencies and tell them to protest against this injustice?

Dr. JOTINDRA NATH MOITRA: Yes, we did.

The Hon'ble Mr. P. C. MITTER: If Dr. Moitra did it, he must have done it in a very silent manner. We did not see any report in the newspapers with regard to his activities in this direction. Did any of my friends whose patriotism I never for a moment doubt, get up any memorial to protest against this injustice to Bengal? Why exhaust all your energies and vocal power in mere destructive criticism? Why not reserve some for constructive movements? If you do that, I hope and trust that when the time comes—and that time will come very soon—when the Meston award will be re-examined, if each one of us do our best for the country. Let the financial injustice be remedied by our common efforts and then we shall start with a clean slate, if not with a surplus, certainly with our income and expenditure evenly balanced. But, on the other hand, will the proposal to bring Government to a deadlock, appeal to the British Parliament? Will that appeal to the Government of India, and they certainly will have the right to advise the new Committee which is bound to come if we are all united and earnest. I am sure the policy of bringing about a deadlock will never appeal to any responsible

body. Therefore, do not proceed in anger, be guided by reason, be guided by patriotism, and do what is best for your province and country. That is all that I have got to say with regard to the first point.

The second point I desire to take up is this. Some of my friends have emphasised that the cost of ordinary administration has become too heavy to bear. I expected that some of the members who criticised these taxation proposals would deal with the points so lucidly explained by the Hon'ble the Finance Member in his speech, but beyond some empty eulogies about the lucidity of his presentation of the case, I fail to find from any one of the opponents of the taxation proposals any earnest effort to deal with those points.

Now, Sir, what are the main points put forward by the Hon'ble the Finance Member? He has told this House that our total expenses in establishment charges is about Rs. 6½ crores. Out of that the Imperial officers are responsible for about Rs. 90 lakhs, the provincial officers about Rs. 1 crore, the Subordinate services about Rs. 95 lakhs and the ministerial officers about Rs. 2½ crores and the pension charges about Rs. 1 crore. This brings us to about Rs. 6½ crores. I will not first of all deal with the question of Imperial officers, because that involves a racial question—though I propose to deal with it in a moment—I will first of all deal with the question of salaries now paid to the Provincial, subordinate and the ministerial officers. Now, Sir, what do we find? Of the Indian public men who gave evidence before the Public Services Commission the Indian members of that commission, all Indian associations, all Indian public bodies and members of the Legislative Councils urged with all the emphasis that they could command that our countrymen who served in the Provincial, Subordinate and Ministerial Services should be more liberally remunerated. And their assertion all along was that our countrymen were not adequately paid. My hon'ble friend, Rai Jogendra Chunder Ghose Bahadur, seemed to be under the impression that the increase of salary was all made by the Hon'ble Mr. Kerr and the new Government. But the fact is they were all made before the Hon'ble Mr. Kerr came into office excepting that of the ministerial service. The question of the increase of the all-India services, increase of the Provincial and Subordinate Services—all these schemes were passed during the time of the old Government; and if the old Government listened to Indian public opinion and increased the salaries of its Indian officers, can we justly criticise the action of the old Government? This Council no doubt is alive to its responsibilities. Our public servants who were already in service were given certain revised terms. Those revised terms became part of their contract of service. Can any responsible body go back upon this accepted contract of service? I appreciate at the same time the necessity for retrenchment. It is perfectly open to the House to say with regard to future recruitments that these are our terms, and this is what we can offer. Those who come in future to enter our services—All-India, Privincial, Subordinate or Ministerial—will have to enter under the fresh terms that we may offer. But as regards those

who are already serving Government, can we say to them—" although we have given you these terms we now want to change them?" I am sure the majority of the Council will be no party to any such thing.

Now I turn to the All-India Services. The total expenditure there is about Rs. 90 lakhs. Will my hon'ble friends be surprised if I told them that at the present moment the actual increase in the Indian Civil Service —the most important of the All-India services is less than 2 per cent? To be exact it is only 1·98 per cent. It is all very good to take up cheap criticisms from newspapers of a certain type. But I certainly expect that members of this House who have come here to serve their country will give a certain amount of time and trouble to their work before they criticise, and I have no doubt that many members of this House will do so as they gather more experience. At any rate, I have nothing to complain with the majority of the members of this Council. Now, Sir, although the actual increase in the Indian Civil Service is less than 2 per cent. at the present moment, the ultimate increase will be about Rs. 8 lakhs for that service and about Rs. 14 to 15 lakhs for all the All-India Services. For the next year's budget however we are only concerned with the present increase.

One word more with regard to another aspect of this question. Supposing we reduce the salary in the case of our future recruits, that will not have any effect on our present expenditure, for even if we decide to do that, it will not help us to tide over our present difficulties. For a number of years therefore there is not much chance of any saving from retrenchments in the salary of the services, however much we may dislike the position. I had something more to say on this question, but as my time is up I must conclude.

Mr. D. C. GHOSE: I rise to support the proposals for fresh taxation which have been submitted to the Council by the Hon'ble the Finance Member. But before I say anything more on those proposals, and meet some of the criticisms which have been levelled against them, I should like to congratulate the Finance Member upon the speech he made in introducing his taxation Bills. It is, if I may say so, one of the weightiest utterances which we have heard in this House. I wish all official speeches were characterised by the same persuasiveness, the same frank and dispassionate presentation of facts and arguments as we have learnt to associate with the utterances of the Hon'ble Mr. Kerr. Sir, I am free to admit that proposals for taxation are always unpopular and especially so in a poor country like ours. But the question that has troubled me, and I dare say has troubled others in this Council, is, what is the alternative to the imposition of fresh taxation? I have not come across any answer. I cannot think of any solution which can seriously be described and considered as an alternative to that which has been put forward by the Finance Member. Sir, there are three questions of cardinal importance which, I venture to think, clinch the issue before us.

They are—first, is there a deficit; second, if so are we going to meet it? And the third, how to meet it. Now as regards the first, there is and can be no difference of opinion. However dexterously you may juggle with figures you must come to the inevitable conclusion that there is a deficit. As regards the second question, namely, whether we are going to meet the deficit, that also, I venture to think, admits of one answer, and one only. Can there be any two opinions that the administration has got to be carried on, unless of course we mean to wreck it. The Finance Member has told us what the effect will be if the deficit is not made up, and who will say that the picture is overdrawn. I do not see, Sir, how it is any excuse for shirking the responsibility of meeting the deficit, to say that since it is due to some extent to " the unbearably increasing and heavy cost of administration— for which we are by no means responsible," we are not prepared to make it up. Assume that the cost of administration is very heavy,—and I am not concerned to defend or attack the administration at the present moment,—how can we forget that it is a legacy we have inherited from the past, how can we ignore that we have taken it over with the avowed object of working and improving it? We are not permitted to write upon a clean slate. We must, therefore, have to find the money to carry on the administration before we can think of altering or amending it to suit our requirements or even our idiosyncracies. Let me here say, in passing, that I have discovered from my own experience that reduction of expenditure in administration is easier said than done. I will place before the Council a case in point. Not long ago, it was I believe in June last year, that a conference was called by each District Magistrate to discuss with the members of Council representing his district, the question of reduction of the police force and generally of police expenditure in the district. The results of these conferences are recorded in an official publication, called " A statement of the strength of the police force in Bengal and of certain pending schemes, 1921." It will appear from this that everywhere the members of Council came to the conclusion that reduction of the strength of police force was neither possible nor desirable, and in some cases urgent representations were made for increasing the police force. So it comes to this that when we are confronted with the actual work of suggesting means of reduction, we find to our dismay, that expressions of opinion which might adorn a frenzied peroration render us no service at all. Sir, the argument has been put forward that we have here a " constitutional " opportunity to signify our displeasure towards the Government by throwing out these Bills. I hope, I earnestly hope, the Council will not be betrayed into any such sorry exhibition of petulant anger under the guise of exercising a constitutional right. What is the constitution, pray? Does the constitution say that this is the proper stage—the stage when we are considering ways and means for providing the treasury with money—to express our disapproval of particular measures of the Government? I am no constitution monger, but I should have thought that the right we have under the constitution, to show our

displeasure towards the work of a particular department of the Government, is when we are called upon to vote supplies in answer to demands for grants. We have no right to assume, as Babu Surendra Nath Mallik has done, that this additional revenue, namely, the proceeds of the new taxes, is wanted or will be used to strengthen the hands of the Executive in a more vigorous prosecution of its policy for the maintenance of law and order. The proceeds of the new taxes will go to the common till, and when the money is got in and the question arises of apportioning the revenues as a whole, then will be the time, then will be the constitutional opportunity, for us to express our confidence or want of confidence in any particular branch of the administration by voting or refusing to vote the supply which the department may ask for. Sir, let me ask the members of Council, in all seriousness, where is the justice, where is the equity, where is even the plain common sense in the refusal to provide the treasury with money, the treasury which has to supply funds to all departments of the Government, both reserved and transferred, because you are dissatisfied with the work of one branch of the administration, namely, that concerned with the maintenance of law and order? I say, therefore, that it would be nothing short of a travesty of the constitution to throw out the taxation Bills under the cover of exercising a constitutional right. Let me now pass on to an argument which has been pleaded with special emphasis by my virile friend, Kumar Shib Shekhareswar Ray. He has urged us to throw out these taxation Bills and thus deliberately to precipitate a crisis for the purpose of compelling the Government of India and the British Parliament to render financial justice to Bengal. In other words, he is exhorting us to enter into a mortal combat with the Government of India and the British Parliament. But in his anxiety to declare war, he has not, I am afraid, discovered our real enemy, namely, the Legislative Assembly. It is with that body and not with the Government of India or the British Parliament that the battle has to be fought for securing financial justice for Bengal. Let me ask, my friend, if he is prepared to lead us in a fight with the Legislative Assembly. There is no reason why he should not go—in fact that is just what we expect—and plead at the bar of the Legislative Assembly for the redress of our financial wrong. But, I am afraid, he will find that the kind of pressure he is asking us to exert will be of no avail in convincing the Legislative Assembly that our grievance is real and ought to be remedied. It will turn a deaf ear to all appeals and exhortations. But it might give us a helping hand if we ask that it should urge that the financial settlement recommended by the Meston Committee with regard to all the provinces should be altogether cast aside and a fresh enquiry instituted for the purpose of rendering justice not only to Bengal but also any other province which is labouring under a financial disadvantage. That I think is the way along which we should conduct our agitation for the redress of our wrong.

If then we are agreed that there is a deficit and that the deficit has to be met, the question next arises how is this to be done? It will be generally agreed I think that if the deficit has to be met, it ought to be met in a manner which is least objectionable. And I honestly think that the taxes which the Finance Member has proposed, come under the category. Sir, a great deal of anxiety has been shown for the transferred departments. In that anxiety, I may say I fully share, and it is because that I share the anxiety that I am equally anxious that the Government should provide it with money that it requires. This money is required not only for carrying on the administration but also for securing a moderate surplus which will enable it to launch a sound loan policy, say, the prevention of malaria, the spread of education and the improvement of industries. I, therefore, submit that the Council will be well advised in giving its whole-hearted support to the proposals now before us in the best interest of the country.

Mr. AJOY CHUNDER DUTT: Permit me at the outset to congratulate the Hon'ble Mr. Kerr for his very lucid exposition of the financial difficulties which face Bengal to-day. If I may say so he has made out a strong *primâ facie* case of necessity for the imposition of fresh taxation; although the desirability of such a procedure is rightly questioned by a large bulk of the moderate public. The necessity for fresh taxation, as has been stated by numerous speakers, is entirely due to the inequitable adjustment of our financial relation with the Government of India. The facts are familiar to all, and I shall not be justified in taking up the time of the Council by repeating them. Bengal is the richest province in India. She yields an annual revenue of Rs. 31 crores. But out of Rs. 31 crores about Rs. 21 crores are appropriated by the Central Government and she is only left with Rs. 9 or 10 crores with which to manage her affairs. In other words two-thirds of the revenue is taken away from her. Bombay and Madras have been treated more mercifully, and the contribution they have to make when compared with their incomes, are very much less. This financial arrangement by which Bengal is required to contribute Rs. 21 crores to the Central Government, was made by the Meston Committee as every one knows. This arrangement still holds good in spite of our repeated protests, and it is this arrangement which has necessitated the imposition of fresh taxes in Bengal.

When I came into the Council with the honest desire to help in the successful working of the Reforms, I was assured by those in a position to know that the financial arrangements would be altered to suit the requirements of Bengal. It was admitted by almost every member of the Council that the new constitution, which involved a considerable increase of expenditure, could only be successfully worked if our finances were adjusted, but not otherwise. It was suggested further by a band of moderates, whose belief in the justice and clemency of the Central Government was unfettered by experience, that we should be able to make good

our claims to the whole of the export duty on jute which yielded an annual revenue of Rs. 2½ crores. Jute, it was contended, was wholly grown in Bengal, and therefore, the latter was entitled to the revenue derived from the duty imposed on its export. Those who had so long believed in the justice and clemency of the Central Government have been completely disillusioned. The financial arrangement with the Government of India is a settled fact, and the claims on the jute duty appear to have been abandoned.

This is our position to-day. The budget estimate of the year 1921-22 shows an annual deficit of Rs. 2 crores and 8½ lakhs. This deficit was met from our past savings. The budget of next year will show a deficit of Rs. 2 crores and 12 lakhs. It is proposed that Rs. 90 lakhs of this deficit should be met from the proceeds of new taxes. The question we have to decide is whether under the circumstances which have been stated we are justified in imposing fresh taxes.

The new constitution is very much more extensive than the one which it has replaced. It can only be successfully worked with the assistance of adequate funds. We accepted the Reforms and came into the Council because we were under the belief that we would be provided with funds sufficient to enable us to carry on the administration, because we were under the belief that financially, at any rate, we should be placed in a satisfactory position, so as to be able to prove our constructive ability in improving and ameliorating the condition of our people. What is meant, Sir, by the expression "successful working of the Reforms". It has no reference to the working of the reserved departments. It refers to the satisfactory administration of the transferred departments, and unless we are in a position to prove that these departments are handled more efficiently than under the old regime, it will be impossible for us to justify the new constitution. The Ministers are our men, they are the representatives of the people. It is for them to devise schemes of improvement, it is for them to carry out national programmes which will conduce to the health, wealth and the prosperity of the people. If they are not able to do so for lack of funds, what are the Reforms worth? What justification is there for inordinately raising the cost of an administration, which leaves the people as poor, nay poorer than they were before?

I do not object to fresh taxation for national purposes. If Bengal had been placed in a solvent position, and if Government had proposed these very taxes for financing schemes of national welfare, I should have been the first to support Government in their laudable object. There are many such important schemes which are at present being starved for want of funds; and the only financial resources that are available to us are being tapped for the purpose of meeting a deficit which the Reforms have imposed upon us.

Now, Sir, let us turn our attention to the methods that has been devised for equalising revenue and expenditure for the coming year.

The provincial expenditure for the current year was estimated at Rs. 11,80,13,000. That of the next year is estimated at Rs. 12,59,00,000. Taking into account the remission made by the Government of India of Rs. 63 lakhs, and income-tax receipts, the gross provincial expenditure for the next year works down to Rs. 11 crores and 3 lakhs. Again by retrenchments it is thought possible to reduce that figure to Rs. 10 crores and 18 lakhs. In other words, retrenchments are to be effected next year involving a saving of about Rs. 85 lakhs. How are these retrenchments to be made? "By cutting down settlement", it is said "by stopping the erection of new buildings by the Public Works Department and in various miscellaneous ways". But surely these cannot properly be called retrenchments. The method proposed can be adopted for one year at the most, but what is to happen the year after. Settlement operations are necessary, and so is the erection of buildings; it is not possible to postpone them indefinitely. These so called retrenchments will result in a saving of about Rs. 85 lakhs. The saving can be made next year. But can a similar saving be made the year after next?

Our revenue next year will be about Rs. 891 lakhs and our expenditure Rs. 1,018 lakhs so that there will be a deficit of about Rs. 130 lakhs. This deficit it is proposed to meet from two sources. Rs. 40 lakhs will be made available out of the opening balance of Rs. 60 lakhs, and Rs. 90 lakhs will be appropriated from the proceeds of these new taxes. In other words, out of Rs. 150 lakhs raised there will remain a balance of Rs. 60 lakhs which may be used for the transferred departments. I suppose the Hon'ble Ministers are very happy at the thought that they may have Rs. 60 lakhs to spend just as they like next year. But have they thought of their prospects the year after next? There will be an opening balance of Rs. 60 lakhs next year, there will be a saving of Rs. 85 lakhs effected through retrenchments. The year after there may not be an opening balance of Rs. 60 lakhs and I am perfectly sure, that as settlement operations and the erection of buildings cannot be postponed *sine die* there cannot possibly be a saving of Rs. 85 lakhs. Further, it is more than probable that provincial expenditure will increase and in these circumstances it would not be surprising if the entire proceeds of the new taxes are devoured by the annual deficit.

Have the Hon'ble the Ministers thought of the possibility? They may find to their intense surprise and astonishment that two years hence, there will not be a penny available from the proceeds of these new taxes for their own departments.

I do not consider it necessary to make any comments on the broad principles upon which these Bills are based, but it may be observed that the Bill for the taxation of entertainments and legalized betting is perhaps the most innocuous. But the Bill again is open to the serious objection that it proposes to tax a comparatively small community, that is to say, the citizens of Calcutta, Dacca and Darjeeling, for the benefit of a larger community which comprises the whole population of

Bengal. Why should Calcutta pay for Bengal? This Bill is objectionable on the ground that it proposes to tap a source of income which properly belongs to the three towns concerned. A committee is considering the possibility of imposing a police rate for the maintenance of the Calcutta Police. Such a rate could be very properly raised by a tax imposed upon amusements and legalized betting. Is it right that the Government of Bengal should appropriate the proceeds of a tax on Calcutta, when Calcutta itself is in urgent need of funds to pay for the maintenance of its own police.

Sir, I honestly believe that those new taxes will destroy the Reforms. I repeat again that the success of the Reforms depends entirely upon the successful working of the transferred departments. These departments can only be successfully worked if adequate funds are available for financing the numerous important national schemes, which, if put through, would effect a marked improvement in the condition of the people. Our financial resources are limited; they are practically limited to those which it is proposed to tap for the purpose of meeting our ever-increasing annual deficit. The existence of the deficit is due to our inequitable financial relation with the Government of India which was established by the Meston Committee. I maintain with all the emphasis I can command that it was the bounden duty of those who were made responsible in this behalf to have placed us in a solvent position before asking us to work the Reforms. I maintain it was the clear duty of the Government of India, when our financial difficulties were brought to their notice, to have made an earnest endeavour to provide us with funds necessary for the removal of these dufficulties. We have petitioned and protested, but all in vain. In these circumstances, I feel we are justified in saying "Since you would not allow us to work the Reforms successfully we shall not work them at all." This will possibly mean a temporary deadlock, but it will not mean the paralysis of the Government of Bengal. The Government of India which annually appropriates Rs. 21 crores of our revenue cannot afford to see Bengal paralysed. They will soon understand the situation and make such provision as may be deemed necessary for adequate financial assistance to Bengal.

These are the criticisms I have to make against the Government. But I do not desire to be obstructive. I am willing to vote for these Bills on two conditions which I consider reasonable:

1. That Rs. 50 lakhs out of Rs. 60 lakhs which will be available from the proceeds of the new taxes after the deficit has been met, will be appropriated for the transferred departments.

2. That the taxation statutes embodying the provisions of these Bills will remain in operation only until the 31st March 1923.

If these conditions are accepted, I think we should vote for these Bills. The object of the first condition needs no explanation. The

second condition is necessary for the purpose of making the Government of India realize the situation. We are determined not to continue a financial policy which is bound to wreck the Reforms. We are willing to give the Government of India one year for the purpose of devising means to help us out of our financial difficulties. If that Government refuses, we shall frankly say that it is impossible to carry on our administration.

I repeat once more, that we are not opposed to these new taxation Bills. We shall accept them with the greatest pleasure if we are assured that proceeds of the new taxes will be devoted to the nation-building departments.

Mr. J. CAMPBELL FORRESTER: I do not oppose the amusements tax, but I oppose the tax on theatres and entertainments. I presume it is not necessary to assure this House that I do not oppose it on the ground of the supposed repressive measures of the Government. Nor do I believe any really serious thinking members of this House who have the good of Bengal at heart, will oppose it from this point of view.

I oppose it from a democratic point of view. It is in my opinion an unjust tax and an interference with the rights of the democracy to a healthy type of entertainment.

It is not the prosperous and wealthy individuals who will suffer through this tax. These individuals have their clubs, their billiards, their card parties and different entertainments, but the poor people who look forward to an occasional joyous and instructive night spent in a picture house or theatre, will alone suffer.

I wish the Government had a little more initiative and, instead of bringing forward a scheme and considering that all the backing it wants, is simply to mention that it is similar to the Acts they have at Home.

Why, Sir, there is no comparison with the conditions at Home and here. There are many societies, athletic clubs, outdoor exercises and entertainments at Home that we lack here, and cannot be had, because of climatic conditions—that little is left for one to do, unless a night at the theatre or picture house, and anything that makes it more difficult for these young and old people to attend innocent places of entertainment, will probably drive them into a worse channel. Remember, that the only way to govern a country rightly is by making a contented people, and anything that is detrimental to this innocent enjoyment is not making for happiness or contentment.

I also see in Saturday's special cable that there is a big movement in England at the present time for the abolition of the amusement tax. Of course money must be got, but surely the imagination of the Executive Council can find another method of taxation.

I certainly would advocate a tax on betting, but I find the Hon'ble Member who is in charge of this Bill takes a very strange attitude in

this matter. He says "I should like to explain clearly that the Bill does not mean that we are recognising betting to a greater extent than we do at present," thus showing a great solicitude for the morality of Bengal, but a little further on in his speech he says that he is afraid that by raising the tax too high he would cripple gambling—somewhat illogical.

Why not make a clear and uncomplicated system and charge a percentage on entrance and all money turned over on the race course either by the totalisator or bookmaker and thus collect a tax from all who attend the races. If this does in some way hamper gambling, surely, according to all highly moral and civilised countries, this is a desirable end to attain.

Why not have a luxury tax on wines, luxurious wearing apparel, jewels, stamps on cheques, stamps for transfer of stocks, dog licenses?

SECRETARY to GOVERNMENT, FINANCE DEPARTMENT (Mr. H. E. Spry): I wish, with the permission of the Council, to deal with two specific points that were raised in the course of the debate on Friday. Mr. Indu Bhushan Dutta in the course of his speech said that whereas the expenditure of this Government before the introduction of the Reforms was approximately Rs. 8 crores, it had arisen, since the introduction of the Reforms, to Rs. 12 crores, and he said with no little vehemence that this additional expenditure of 50 per cent. was to be attributed solely to the reformed constitution. I wish to give very briefly and as clearly as I can to the members of the Council the figures of the expenditure of this Government before the Reforms and in the current year, which is the first year since the introduction of the Reforms. The actuals of the year 1918-19 were Rs. 7 crores and 51 lakhs; for 1919-20, Rs. 8 crores and 10 lakhs; for 1920-21, Rs. 9 crores and 20 lakhs. And the budget total for the year 1921-22, as members are aware, is Rs. 12 crores and 59 lakhs. The difference between the budget estimate for the present year and the actuals of last year is Rs. 3 crores and 39 lakhs. If I understood Mr. Dutta aright, he said that the sum of Rs. 5 crores and 39 lakhs is to be attributed directly to the introduction of the Reforms. I wish therefore to give particulars of this sum of Rs. 3 crores and 39 lakhs, because the statement as made is wholly misleading. The following items in the current year's budget account, to a very large extent, for this increase over the actuals for the last year.

First of all, there is the item of Rs. 63 lakhs which, I take it, is due to the introduction of the Reforms; but certainly this contribution is outside the control of the local Government. Then there is a contribution of Rs. 92 lakhs which appears in the budget and is really an assignment made by the local Government under Devolution Rule 15 in respect of income-tax. Members are aware that it is completely covered on the

receipt side of the budget by an entry of Rs. 93 lakhs under the head "Taxes on Income," but on the expenditure side this sum of Rs. 92 lakhs, which is really a book entry, has gone to swell the figures for the current year. These two contributions of Rs. 63 lakhs and Rs. 92 lakhs account together for Rs. 155 lakhs. Then there is an item of Rs. 42 lakhs and 30 thousand included in Appendix A to the budget for the current year for new schemes other than major works in the Public Works Department. I may say that all these items have come before the Council, and practically all of them have been accepted and the funds voted. But this sum of Rs. 42 lakhs represents new works which were not provided for in the budget of the year 1920-21. We have also an item of Rs. 62 lakhs which is made up of lump sums for the revision of pay of various services and also of ministerial officers and menials. The Hon'ble Mr. Mitter addressing the Council this afternoon pointed out that with the exception of ministerial officers and menials all these schemes of revision of pay were pre-Reform schemes and were sanctioned before the Reforms came in. I do not think the members of the Council will argue seriously that the necessity for the revision of the pay of the various services of Government has been brought about by the introduction of the Reforms. Everybody knows that it is due entirely to economic conditions for which the Reforms can in no sense be held responsible. As to these Rs. 62 lakhs, I can give details if members wish me to do so. There are, further, various grants on specific items amounting to Rs. 30 lakhs, such as grants for the Victoria Memorial Hall, for the expenditure in connection with the visit of His Royal Highness the Prince of Wales, for famine relief, and a grant to the Belgachia Medical College. There is also a grant for the upkeep of the Ranchi European Lunatic Asylum which was formerly paid by the Government of India and did not appear in our budget at all. There is an item of Rs. 5 lakhs and 15 thousand included in this sum of Rs. 3 crores and 39 lakhs which represents the annual recurring expenditure on account of the new posts, namely, one Executive Councillor, three Ministers, the President of the Legislative Council, a Deputy-President, and the strengthening of the Secretariat, which may strictly be said to be directly due to the introduction of the Reforms. I wish to emphasise the fact that out of Rs. 3 crores and 39 lakhs with which we are dealing, the sum of Rs. 5½ lakhs is to be attributed directly to the introduction of the Reforms. And out of this Rs. 5½ lakhs, Rs. 1½ lakhs is due to the activities of this particular Council. There is another item of Rs. 16 lakhs which has found a place for the first time in the budget this year, on account of Home Charges. This sum comprises the leave allowances of officers and, other items, charges which hitherto have been paid by the Government of India. The items I have given amount to Rs. 3 crores and 5 lakhs, and I venture to think that apart from the provincial contribution of Rs. 63 lakhs only Rs. 5½ lakhs out of this expenditure can strictly be said to arise directly from the

introduction of the Reforms; and the statement made by Babu Indu Bhushan Dutta is, as I have said, grossly misleading.

Now, with the permission of the Council, I want to refer to one other general point, the question of retrenchment. We have heard a good deal of criticism of the Government in regard to this—indeed very serious attacks have been made on Government for not cutting down its expenditure. I do not think very great attention in this matter has been paid to the speech of the Hon'ble the Finance Member. He said that out of approximately Rs. 11 crores of provincial expenditure, Rs. 6½ crores went to establishment charges, Rs. 166 lakhs on contingencies and the balance which is a little less than Rs. 3 crores went to the Public Works Department, to education grants, medical, waterways and such profitable departments as forests and jails. The details were given with great clearness by the Hon'ble Mr. Kerr, and I should have expected from the members of the Council who addressed themselves to the subject of retrenchment a fairly precise indication of the heads under which they desired retrenchments to be made. The only remark which was at all explicit was that of Kumar Shib Shekhareswar Ray, who at the end of his speech, just as he was counted out by you, Sir, was understood to say that he anticipated a saving of Rs. 20 lakhs under the head "Police." He told us that he is a member of the Police Retrenchment Committee and presumably from that vantage ground he gave us the benefit of his opinion. I am a member of the Police Retrenchment Committee too, and I know its labours are still in their infancy, we have in fact just started on our enquiry. There is very little information before the Committee from which any reasonable man can deduce that Rs. 20 lakhs, or any other sum can be saved from this source. I can only presume that the Kumar Sahib in giving this figure is posing as a prophet, or is drawing on his imagination, and I suggest to him that when he has before him the evidence that will come before the Committee, and which I am sure he will consider with the utmost impartiality, it may be found that instead of Rs. 20 lakhs not even Rs. 5 lakhs can be saved. It is just possible that there will be no saving at all. For my part, I refuse to accept any hypothetical figure of savings under the head "Police." Even if we do save Rs. 20 lakhs under this head, as the Kumar argues, we should still have to deal with a normal deficit of Rs. 1 crore and 20 lakhs, and we should have a long way to go in order to wipe out this deficit. I think it would be more helpful if the members of the Council, instead of assailing the Government as some have done, for not cutting down their expenditure, had shown under what heads further retrenchments are possible. The fact is that the budget has been compiled after cutting down expenditure to the lowest limit. As the Council is aware, the budget estimates for next year are being placed before the Standing Committees which are composed of members of this Council. They have been asked to report by the 25th of this month, and not

after 8 or 10 months as Rai Radha Charan Pal Bahadur put it. Few of the reports have been received so far, but I may say that those we have received up to date show that there is unlikely to be any retrenchment by the Standing Committees, but rather an inclination to spend more than it is proposed to provide in the budget.

Rai UPENDRA LAL RAY Bahadur: So much has been said by the previous speakers on this subject that whatever I may say may appear to be a repetition in some respects. We have heard about the present repressive policy of the Government mentioned in this connection. I believe that all those who spoke about repression meant only the arrests and punishments of the people in all parts of this Presidency. I would rather refer to repression in quite a different way. I am not speaking of repression in the sense in which it is now understood in the country, but I feel that the proposed enactments aim at the repression of a man's legitimate earnings—his hard earned money. The repressive measures so far adopted were meant for those considered guilty in the eye of the law, but the taxations proposed will affect the innocent and the guilty alike. What then is the harder of the two? Can anybody deny that any compulsory taxation is not resented by the public? It is very easy to say that a man can afford to pay a small additional amount for amusements; but are amusements new innovations? Have they not existed in all countries in all ages? Whoever thought of taxing them before? Why then does this occur in the minds of the Hon'ble Finance Member at this stage? The reason appears to be very simple. Every one knows that the costs of administration have become immensely heavy, and this is one of the several attempts to augment our revenues. We shall have to prepare the budget for the next year before long, and these additional revenues will be the basis for voting many of the items of expenditure which could otherwise be saved. I would, however, like to give a note of warning to the Finance Member that his anticipations may not be fulfilled. The figures he has given us as the revenues to be derived out of the taxations may be as uncertain as the result of horse-racing and as fictitious as many of the events shown on the cinema screens. Evidently he has based his calculations of receipts on statistics obtained from the various places of amusement, but I am inclined to believe that they will not be realised to the extent he anticipates. Speaking of the Bengali theatres in the northern part of the town, I believe the taxation may lead to the closing down of some of these places of amusements at no distant date. The facts are too well known to the residents of Calcutta to need any reference.

Of the three ways of meeting the financial situation mentioned by the Hon'ble Mr. Kerr, I would only take up the second one, *viz*, reduction of expenditure. It appears from his speech that he expects to reduce it by nearly a crore of rupees by stopping the erection of many new buildings by the Public Works Department and in other ways.

There is no suggestion about reduction of establishment in this department and, in fact, we have been told that no reduction of establishment is possible. So far as the Public Works Department is concerned, if no new works are taken in hand, I think some reduction can be made even in the establishment by abolition of certain posts or by lending the services of its officers to other Government departments and local bodies. Sir, I may tell this House without fear of contradiction that the scales of pay fixed for the officers of this department told rather heavily on the District Boards and municipalities when the scales of pay of their Public Works Department were recently revised. They had to be guided by the scales sanctioned for the officers of this department. The time has come when the question of the abolition of the Public Works Department will have to be considered. If this is done a good deal of saving can be effected under the head of expenditure.

The Finance Member further suggests that he is carrying on the administration on a "low and unsatisfactory scale." I am sure he refers to the ministerial services by these remarks and not to the higher appointments. Whatever may be the case, I would rather suggest that instead of adding any more burden on the already overtaxed people he should find out the ways and means for effecting a retrenchment in whatever manner it may be possible. The Finance Member thinks that a man who is prepared to spend 4 annas in a cinema or a theatre would not feel much if he is called upon to pay an extra anna to Government. This may sound well for those earning thousands of rupees a month, as, to them an anna or a rupee is of no consequence. But when we look at the scale proposed and find that it varies from 20 to 25 per cent., we ponder and ask ourselves how it would affect even a man of means if his expenditure was suddenly increased by 20 or 25 per cent.

Amusements are not luxuries and are often necessary for recreation and diversion. Relying on the principle that necessaries of life should not be burdened with heavy taxation and in view of the fact that the people are unable to stand any fresh taxation, I oppose the Bill as presented. I would like to add, however, that if the Bill is accepted the scales of betting in horse races should be revised and increased as it is well known that this has been a source of ruin to many people, and prohibitive rates would stand in the way of many more being led to further ruin. I do not know whether horse racing is a pure amusement and should on that ground be included in the Bill. To my mind it appears that it is more of the nature of a speculation or gambling, and it is only those who wish to make money by speculation resort to the race course. I should have liked to see this subject considered under a Gambling Act and not in an enactment of this nature, and if this course is possible it would have my whole-hearted support.

Professor S. C. MUKHERJEE: I think it would be most unwise to throttle the taxation Bills to death at this stage.

What useful purpose will be served by bringing the Government to a deadlock or reducing everything to a chaos?

It will mean nothing but untold misery to millions of people.

In some quarters there is a strong feeling that these taxation Bills should be refused in order to bring sufficient pressure to bear upon Government to compel it to change the present policy of repression which it has inaugurated or, in other words, the principle of retaliation must be adopted in order to accomplish our object.

I must frankly say the principle of retaliation has never appealed to me. Taking it for granted that the Government has made regrettable blunders in certain matters, and my own feeling is that the Government has made blunders in respect of certain measures that it has passed for the maintenance of law and order, it does not, therefore, necessarily follow that the whole administrative machinery should be brought to a standstill. Repressive measures are bound to go if there is a strong volume of public opinion against it. No civilised Government in the world can ever rule by sheer brute force.

I am, therefore, in favour of having these Bills introduced.

But—and this is an important " but "—I should like to put a pertinent question to the Hon'ble the Finance Member.

What is he going to do with the revenue to be realised from these taxation Bills?

Is he going to spend all this money for the upkeep of the present expensive administrative machinery, or is he going to give a substantial portion of it for the relief of misery, for the spread of education, for the improvement of sanitation and for the development of industries?

It is really pathetic, nay, it is tragic to see the present Hon'ble Ministers saddled with huge responsibilities and equipped with no financial resources. Seldom have we come across responsible people so utterly helpless.

With what face shall we go to the people of this Province—people who are already heavily burdened and ask them to submit to these taxes cheerfully and ungrudgingly unless we are able to tell them that a substantial portion of the taxation revenue will go towards their benefit?

In the end, we shall find it exceedingly difficult to vote for these taxation Bills, unless we get a clear assurance from the Hon'ble the Finance Member to the effect I have just mentioned.

One word more and I have done. Thrice the Hon'ble the Finance Member has said in his speech that he has cut down expenditure to bed-rock limits.

With all deference to him, I must say we are not prepared to accept that statement at this stage and we are not prepared to admit that Rs. 90 lakhs is our bed-rock deficit. But this is not the time to take up the matter. For this we await the budget.

Babu DEBENDRA LAL KHAN: I move that the question be now put.

The DEPUTY-PRESIDENT: I now adjourn the Council for 15 minutes.

After adjournment.

The DEPUTY-PRESIDENT: Gentlemen, a closure has been applied for, but I think the Hon'ble Member in charge of the Bill should be allowed to reply.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. Kerr): Judging from the speeches which have been made in this Council to-day and on Friday last, the majority at any rate of the speakers are prepared to see this Bill referred to a Select Committee. It would however be useless to deny that there is a considerable and an important section of the Council who are opposed, not so much to this Bill in itself, as to taxation in any shape or form at the present moment, and I would like, before the Council gives its final decision, to examine as briefly as possible, the arguments that have been used and to see whether even at this late hour we cannot convert them from the views that have been expressed.

Mr. Spry has dealt with the arguments about retrenchment, and I do not propose to say anything more about it here, except to remind the Council again of the figures which I gave in my opening speech showing the distribution of our expenditure charges and the grave difficulty about making any immediate retrenchment which would total up to anything approaching our deficit. As regards the objection about repressive measures, I think it is the general sense of the House that it may be dismissed as irrelevant, and I do not propose to deal with it here. The Council will have sufficient opportunities within the next few days of discussing the action taken by Government, in regard to certain persons who have broken the law or expressed their intention of breaking the law. I would merely suggest that objection to the action of Government in regard to one of its many functions is hardly a good reason for refusing to take measures to put the financial position of Government as a whole on a sound footing. The argument that the Bill should be thrown out as a protest against the action of the Government of India and Parliament in connection with the Meston settlement, has more substance in it. I am afraid however that action on these lines would not be likely to be fruitful of any good results. We are not going to do any good by trying to frighten the Government of India. They are quite capable of appreciating the position for themselves. We know that at the present moment they cannot help us if they would, and that they would meet with strong opposition from other provinces if they tried to do anything of the kind.

Kumar Shib Shekhareswar Ray has suggested that throwing out these Bills would be a direct protest which would come before Parliament. No doubt, if Parliament could see and hear the Kumar Sahib they would be duly impressed, but Parliament is 6,000 miles away and cannot enjoy that advantage. When you want to make an impression on people it is a good thing to try to consider their point of view, and we might consider for a moment what the position of Parliament would be in the event of these Bills being thrown out. The first thing to remember is that the Government of India would have the last word with Parliament and the Government of India would not be likely to represent our action in the most favourable light. When Parliament came to look into our claims it would find that it was a matter of something between £700,000 and £800,000, a very small sum in the eyes of statesmen accustomed to deal with hundreds of millions. Parliament has no funds which it could place at our disposal. All it could do would be to make some alteration in the Devolution Rules which would require the Government of India to place funds at our disposal out of funds which are now available either to the Government of India or to other provinces. Parliament would soon find that the Government of India and the other provinces would have something to say to this. Parliament could not decide on those conflicting claims itself. Parliament is not going to set aside the administration of the British Empire in order to decide whether Bengal is entitled to a few hundred thousand pounds more revenue. If Parliament decided to take up the matter at all, it would appoint another Committee to go into the matter. This Committee would take at least several months to arrive at any conclusions, and Parliament might take several months more to pass orders on their report. Meanwhile what would be our position in Bengal? We have to submit our budget to this Council next month, and I think it is clear that it is impossible for us without taxation to provide sufficient revenue within the next few weeks to balance our budget. So I say I did not exaggerate the case in the least when I said that if these taxation Bills are thrown out by the Council, the result will be a deadlock and chaos. The deliberate manufacture of an impossible situation and the deliberate creation of a deadlock are not measures that are likely to appeal to Parliament as indicating our wisdom and sanity. I again urge the Council that we must tackle the problem ourselves for the time being, and that for the time being it is no use our hoping for outside assistance.

Another suggestion that has been made by several speakers is that this Council should throw out these Bills and leave it to His Excellency the Governor to certify them under section 72E of the Government of India Act. I say nothing about the propriety of this suggestion; I merely say that we have taken legal opinion and have ascertained that it would not be open to His Excellency the Governor to certify these taxation Bills. A taxation Bill could only be certified under the Government of India Act if it was definitely expressed as being intended to

provide funds for reserved subjects. That is not the case with our Bills which are intended to cover a general deficit in the revenues of the province, affecting both the reserved and the transferred sides of Government. So it would not be open to His Excellency legally to certify these Bills. The responsibility for dealing with these Bills therefore rests on the Council and on the Council alone, and the Council cannot evade its responsibility by shifting it on to the shoulders of His Excellency the Governor or of anbody else.

Statements have been made that these Bills ought not to be proceeded with because Bengal is over-taxed. I do not deny that the condition of a large part of the inhabitants of Bengal is such as to make it incumbent upon us to be extremely careful as to the measures which we propose for increasing the demands to be made upon the public, but I do suggest that the argument that Bengal is over-taxed would be scouted by most of the other provinces in India. Take, for instance, the case of the land revenue in Bengal and in Bombay. The area under cultivation in both provinces is practically the same; the population of Bombay is less than half that of Bengal, but the land revenue of Bombay is nearly double that of Bengal, and this is a fact which our friends from Bombay did not hesitate to point out to us when we were up in Simla and complained of the unfortunate state of our finances.

Again, as regards the argument that the provincial revenues left to Bombay and Madras are much larger than the revenues left to us, I would point out that this is a somewhat dangerous line to pursue. It is misleading to compare the disposable revenues of one province with those of another without making very considerable qualifications. For instance in Bombay and Madras they have a scientific land revenue system, and in consequence of that system they are able to raise much more revenue from the land than we can. But this system is of course more expensive to work than the rough and ready land revenue system in Bengal. The result is that Bombay and Madras must have more funds to carry on their land revenue administration than we require. I do not wish to go into these inter-provincial comparisons in further detail because I fear that it would only result in putting ammunition into the hands of our enemies. I would only point out to the Council the need for caution in making these comparisons between one province and another.

I will now turn to the arguments that have been used in connection with the Bill before the Council. The first general proposal that has been made is that the proceeds should be earmarked for specific purposes. Colonel Pugh has informed us that this is the system in vogue in France. I am not fully cognisant of all the details of the financial administration in France, but it is very different from the system in force in England or in this country. The earmarking of revenue for specific purposes would be an entirely new departure and would be inconsistent with the budget procedure which has been prescribed for us by Parliament under

the Devolution Rules. If we were rolling in money, and if the province was so prosperous that it could afford to levy special taxation for some big social or medical or educational scheme, I do not say that there would be anything wrong in earmarking the proceeds of such taxation for a specific purpose of that kind, but that is not the case in Bengal at present, nor is it likely to be the case within any period that any of us can foresee. At the present moment we are labouring under a heavy general deficit, and any extra taxation that we can secure must go to the extinction of that deficit. Colonel Pugh admitted, I think, that in the present state of our finances, any earmarking of the nature he suggested would be nothing more than a mere paper transaction. If we got Rs. 30 lakhs out of the amusement tax and decided to make it over to the medical department, for instance, for medical purposes, we should simply have to reduce the exisiting grants which we make to that department by a corresponding amount, and I cannot see that anybody would be better off at all. Under the Devolution Rules we have to frame our budget annually after we know the needs and requirements of the various departments, and it would be entirely inconsistent with these rules to earmark any specific revenue for the purposes of a particular department. Nor do I think it would be for the benefit of the department concerned. Suppose, for instance, that we decided to make over this amusements tax to the medical department, there would be a strong tendency on the part of other departments to deny the medical department any share in any surplus that might be available hereafter from other sources. The other Ministers would claim any surplus for their own purposes. Their position would, in fact, be very much the same as that taken up by the Government of India in regard to the existing financial settlement, and we know that it is not working out very well for us. Apart from this, the proceeds of a new tax like the amusement tax must be uncertain. It is a tax liable to fluctuate from time to time. In some years the medical department, or any other department to which the tax was assigned, might find it insufficient if the yield of the tax for any reason fell below the normal. Similarly, if the yield in any year rose above the normal, the department might find it difficult to spend it; because a department cannot produce new schemes providing for the expenditure of large sums of public money at a moment's notice.

[The Hon'ble Member having reached the time-limit, he was permitted by the Deputy President to finish his speech.]

I suggest therefore to the Council that in our financial position as it is at the present moment, this system of earmarking would be unsound in itself and would be of no real benefit to the departments. It is much better that we should follow the procedure which is laid down for us by the Devolution Rules and distribute our available funds annually, having regard to the needs of the various departments at the time of the framing of the budget. I may also point out that it is only by following

this course that the Council will be able to maintain its full control over the expenditure of Government.

The next general criticism, and it has been a very general criticism I am afraid, was that the greater part of this tax would be collected in Calcutta, and therefore Calcutta should at least get a share in the benefits of the tax. In the first place, I am not prepared to admit that this tax will be paid exclusively by the inhabitants of Calcutta. It will be paid very largely by the visitors who flock to Calcutta at certain seasons of the year and spend very large sums of money on their amusements while they are here. In the second place, I am not prepared to admit that the local Government has no claim, no reasonable claim, to taxes realised in this city. The financial difficulties of Bengal are very largely due to the fact that we have as our capital the greatest and the wealthiest and most important city in India. This fact imposes upon us financial burdens of many kinds which we should not have to bear if our capital was a provincial town like Patna, Nagpur or Allahabad. The argument pushed to its logical conclusion would involve the theory that because Calcutta pays by far the largest share of the income-tax raised in this province, Calcutta's share of the income-tax should be devoted to municipal purposes. This is an argument that the Government of India would not admit for a moment. At all events as the law stands, this amusement tax is definitely declared to be a source of provincial revenue and until the law is altered by Parliament, it is not much use going further into the abstract merits of the case.

Maulvi Mahammed Madassur Hussain has made various suggestions for widening the scope of the Bill and drawing other forms of amusements into the net. I am not sure that the receipts from some of the things he mentioned would be worth the trouble and expense of collection and the hardship which would be imposed on some sections of the community, but his suggestion will certainly receive the attention of the Select Committee.

Turning now to details, we are indebted to Colonel Pugh for many valuable criticisms and suggestions regarding the Bill, and I can assure him also that they will receive careful consideration at the hands of the Select Committee. Sir Charles Kesteven has already dealt with matters relating to the betting tax, and at this late hour I must leave to the Select Committee any detailed consideration of Colonel's Pugh's suggestions. I merely venture to question Colonel Pugh's preference for French legislation. The House of Commons had the French legislation before them when they imposed the tax in England in 1916, and they deliberately decided not to adopt the French system. Here, in Bengal, a very large proportion of the tax will be paid by the European British community, and I suggest that on this ground alone it would be safer for us to follow the English system rather than the French system. Certainly I myself feel no cause for shame that we have to a great extent copied the

English Act. Colonel Pugh has displayed an uncanny knowledge of the various forms of amusements which are in vogue in France, based, I suppose, upon a personal experience to which I can lay no claim. But I would point out that Paris is a playground of the world. Calcutta is not a playground at all, but a place where a number of hard-worked people seek brief relaxation in such amusements as the city can afford and they are not very numerous in form. I suggest therefore that the classification of amusements for the purposes of our Bill must be on a very much less elaborate scale than that which has been adopted in the French legislation. At the same time I admit that there may be something to be said for a certain amount of differentiation between various forms of amusements even in Calcutta; and as we propose to summon before us in the Select Committee the representatives of the principal forms of entertainments in Calcutta, we shall be able to hear what they have to say on that question, before we submit our proposals for the consideration of the Council.

As to Colonel Pugh's request for information as to whether the Bill is intended to be a temporary measure or a permanent measure, I am afraid I can give no guarantee at the present moment. Our financial position is uncertain and must remain uncertain, because, as I have said, we do not propose to abandon our claim to a juster financial settlement than the Government of India have accorded to us. If when that claim is admitted, we find that we have surplus revenue to dispose of, it will be for the Government and the Council to decide whether we should dispense with the sources of taxation which we are now considering or whether we should reduce the rates of taxation leviable under these Bills, or whether we should maintain them and use the proceeds for new and beneficial schemes of development.

In this connection I should like to notice very briefly the request which several members have made for some assurance as to the manner in which we propose to use our surplus if we get any. The difficulty about that is due to our procedure, and as I think that some members of the Council do not entirely understand our procedure, I had better explain it. If our hopes are fulfilled and we obtain a moderate surplus from these Bills, the first thing that will happen will be that His Excellency will summon a joint meeting of Members and Ministers to consider how that surplus should be disposed of. The conclusions of that meeting will then be laid before this Council in the form of demands for grants; and it will be for the Council to decide ultimately how the money should be spent. It is therefore impossible for me standing here to-night to say that we are going to allot 40, 50 or 60 or any other fixed percentage to the transferred side or to any particular department; but I can only repeat what His Excellency said on the 21st November, that when we do get a surplus from the new revenue raised—His Excellency had in mind relief from the Government of India, but the same principle applies to a surplus obtained in any other way,—the surplus " will become

available for those schemes of educational and sanitary and medical progress which I am sure the Council as much as the Hon'ble Ministers, who are charged with them, so earnestly desire to see taken in hand." In view therefore of His Excellency's remarks and of what I have said as to the powers of this Council to decide on the ultimate distribution of any surplus funds that we may have, I think I can safely say, although I cannot give any definite figure, that a substantial share of any surplus that we may obtain will be devoted to objects which commend themselves to the judgement of this Council.

That, then, is the position. We claim that we are justified in asking the Council to provide more funds for the purpose of provincial administration in Bengal and that this Bill provides a means of raising such funds which it is legitimate to tap and which will, to say the least of it, cause less inconvenience and hardship than many other forms of taxation which might be suggested. I therefore ask the Council to let the Bill go before a Select Committee.

Babu NITYA DHON MUKHERJEE: I beg to move that the question be now put.

The motion that the question be now put was put and agreed to.

The motion that the Bengal Amusements Tax Bill, 1921, be referred to a Select Committee consisting of the Hon'ble Mr. Kerr, Mr. H. E. Spry, Mr. H. P. Duval, Nawabzada K. M. Afzal, Khan Bahadur, Mr. H. Barton, Mr. S. M. Bose, Mr. Krishna Chandra Ray Chaudhuri, Babu Annada Charan Dutta, Rai Mahendra Chandra Mitra Bahadur, Rai Radha Charan Pal Bahadur, Mr. W. R. Rae, and Dr. A. Suhrawardy, with instructions to submit their report for presentation to the Council as soon as possible, was then put.

A division being claimed, it was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmad, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ali, Mr. Syed Nasim.
Banerjea, the Hon'ble Sir Surendra Nath
Banerjee, Rai Bahadur Abinas Chandra.
Basu, Babu Jatindra Nath.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Currie, Mr. W. C.
Das, Babu Bhismadev.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
DeLisle, Mr. J. A.
Doss, Rai Bahadur Pyari Lal.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Annada Charan.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Gordon, Mr. A. D.
Gupta, Mr. J. N.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Hussain, Maulvi Muhammad Madassur.
Janah, Babu Sarat Chandra.

Karim, Maulvi Fazlul.
Kerr, the Hon'ble Mr. J. H.
Kesteven, Sir Charles Henry.
Khaitan, Babu Devi Prosad.
Khan, Babu Devendra Lal.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Lang, Mr. J.
Larmour, Mr. F. A.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
McKenzie, Mr. D. P.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. C.
Mukharji, Babu Satish Chandra.
Mukharjee, Babu Nitya Dhon.
Mukharji, Professor S. C.
Nakey, Mirza Muhammad Ali.
Poddar, Babu Keshoram.
Pugh, Colonel A. J.
Rae, Mr. W. R.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Rauf, Maulvi Shah Abdur.
Ray Chaudhuri, Mr. Krishna Chandra.
Robinson, Major-General W. H. B.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Mr. J. E.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Skinner, Mr. H. E.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Watson-Smyth, Sir R. M.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

NOES.

Ahmad, Maulvi Rafi Uddin.
Aley, Mr. S. Mahboob.
Chaudhuri, Babu Kisheri Mohan.
Chaudhuri, Rai Harendranath.
Dutt, Mr. Ajoy Chunder.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Ham Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Raikat, Mr. Prasanna Deb.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Nath.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.
Suhrawardy, Mr. Huseyn Shaheed.

The Ayes being 83 and Noes 20, the motion was carried.

The DEPUTY-PRESIDENT: I understand that Babu Surendra Narayan Sinha went into the wrong lobby. He now says that it was a mistake on his part. I would like to ask the member if that was a fact, as he wanted it to be corrected.

Kumar SHIB SHEKHARESWAR RAY: What is the procedure in the case of wrong voting?

The DEPUTY-PRESIDENT: Before the actual division list is declared in Council, perhaps it can be corrected.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Perhaps he is not the only member in this Council who does not know his mind.

Mr. C. MORGAN: If he goes to the wrong lobby, he must take his chance.

Babu SURENDRA NATH MALLIK: If he expresses regret, he may be pardoned.

The DEPUTY-PRESIDENT: Since the member is not here to give a public denial, the question is whether his vote ought to be deleted or should stand.

Babu RISHINDRA NATH SARKAR: I rise to a point of order. So long as the vote is recorded, it must stand.

The DEPUTY-PRESIDENT: Soon after the division was taken, Babu Surendra Narayan Sinha came to me and asked me that his vote be correctly recorded; but I do not find him now here. If it is the desire of the Council, I think his vote may stand as he originally gave it.

It was decided that the member's vote should stand with the " Noes " where he originally gave it.

The Ayes being 83 and the Noes 20, the motion was carried.

The Bengal Court-fees Bill, 1921.

The Hon'ble Mr. KERR: I beg to introduce a Bill to amend the Court-fees Act, 1870, and the Presidency Small Cause Courts Act, 1882, with reference to the scale of court-fees in Bengal.

The Secretary then read the short title of the Bengal Court-fees Bill, 1921.

The Hon'ble Mr. KERR: I beg to move that the said Bill be referred to a Select Committee consisting of the Hon'ble Mr. P. C. Mitter, Mr. H. E. Spry, Mr. H. P. Duval, Khan Bahadur Maulvi Emaduddin Ahmed, Mr. Syed Nasim Ali, Sir Asutosh Chaudhuri, Babu Kishori Mohan Chaudhuri, Rai Nibaran Chandra Das Gupta Bahadur, Babu Nitya Dhon Mukherjee, Colonel A. J. Pugh, Kumar Shib Shekhareswar Ray, Babu Surendra Nath Ray, Babu Annada Charan Dutta, and myself, with instructions to submit our report for presentation to the Council as soon as possible.

This Bill to amend the Court-fees Act is not a Bill to make a speech about. It is largely of a technical nature and consists of a mass of figures, and it can only be followed by those who are prepared to study it in detail. In order to make our proposals easier to follow, we have circulated a memorandum showing the existing and proposed fees side by side, and in the case of *ad valorem* fees, we have had some calculations made showing what the financial effect of our proposals will be in the case of suits of different values. I trust that all members have received this statement; if not, if they will apply to the Registrar of the Council after the meeting, it will be supplied to them. I am sorry that the statement is not more complete than it is; but the High Court returns on which it is based were not of course devised for a purpose of this kind and they do not provide any further details. The statement shows, however, what our general principle has been, viz., that while aiming at a general increase of 50 per cent. in court-fees, we start with a lower rate in the case of suits of lower values. I should have been glad myself to have been more liberal than the provisions in the Bill in regard to suits of low value, but this statement shows clearly that it is on the low-valued suits that we make the largest profit and we cannot

afford to reduce the scale very much in regard to low-valued suits without giving up a considerable portion of the revenue which we require. As our proposals stand, I do not think that they are open to the criticism that they will press hardly on the poorer classes of the community. They will of course affect the poorer classes, like other classes, but not, I trust, grievously. For instance, in the case of a rent suit affecting a small holding and valued, say, at Rs. 50, the enhancement of court-fees under our Bill, as it now stands, on that suit will be only Re. 1-13, viz., from Rs. 3-12 to Rs. 5-9, and I submit to this Council that this is not a great sum either from the point of view of the plaintiff or from the point of view of the defendant against whom a decree may be given with costs, since the total amount of the decretal money, allowing for all costs, interest, damages, etc., would be Rs. 80 or Rs. 90. So if the poor defendant has to pay an extra Re. 1-13 on that decretal amount, I do not think that can be described as excessive. We are of course most anxious to do all in our power to protect the poorer classes from hardship, by our proposals in this Bill; and if any suggestions are made for improving our proposals as they stand in this respect, whether by reducing the scale of fees for their benefit or exempting them in some cases from enhancement altogether, I have not the slightest doubt that the Select Committee will be ready to give them favourable consideration. But I would point out that in the case of the poorer cultivators, whose interests, I know, most members of this Council have at heart, it is very much better that we should call upon them to pay a little more on an infrequent and occassional rent suit rather than adopt the other alternative which I mentioned the other day of putting on an addition to the land cess. This latter alternative would mean a permanent annual addition to the charges on the agricultural community, whereas our proposals in regard to court-fees would only operate infrequently and occasionally on the poorer raiyats, and this burden they could easily avoid entirely if they would get into the habit of paying rents more punctually than they do.

Apart from the question of suits, it will be observed that we have varied the rates of probate and succession duties. In the case of probate duties we propose to raise the limit of exemption from Rs. 1,000 to Rs. 2,000. This will give material relief to small estates. For estates between Rs. 2,000 and Rs. 5,000 in value, the rate will be 2 per cent. as at present; that is to say, there will be no enhancement up to Rs. 5,000; between Rs. 5,000 and Rs. 10,000 we propose to make the rate 3 per cent. as against 2 per cent.; and between Rs. 10,000 and Rs. 50,000, 5 per cent. in place of the present rate of 2½ per cent., and the same rate of 5 per cent. will apply to estates over Rs. 50,000 in value instead of 3 per cent. as at present. In this way we shall make a beginning towards a scientific classification of estates for the purposes of a scheme of death duties which we hope to work out later. The principle of course is the same as that adopted in most

civilised countries, namely, of relieving small estates altogether and putting the heaviest burden on the larger estates which are best able to bear it.

One other controversial matter is in respect of criminal complaints. In the case of such complaints we have, in the Bill as it stands, proposed to raise the fee from 8 annas to Re. 1. That is a large percentage increase of course, but the justification for it is that even in the simplest criminal case a man has to incur expenditure of Rs. 8 or Rs. 10, and it is not very much to ask him to contribute an extra eight annas to Government. In big criminal cases which often occupy the time of the courts for several days the present court-fee of eight annas is altogether inadequate and there would be justification, if we could find a suitable way of doing it, for putting it up even higher than we have proposed in the Bill. However, these are matters which will all be considered in the Select Committee. We have of course retained the provision in section 18 of the Court-fees Act which allows the Court to remit court-fees in cases where the circumstances justify such a course.

At the present stage I do not think I need say anything further about the details of the Bill. Several members have already asked me questions about the details, and I should be very glad to explain any details personally to any member who wants further information. I would merely say that I claim that we have proved during the debate of the last few days that we require the money which this Bill will bring us in, and we think after careful consideration that there is no way of raising it which would be open to less objection. I therefore ask the Council to allow the Bill to go before the Select Committee.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to submit a few observations touching upon this Bill. I consider, having some experience in this connection, that the Bill will operate harshly upon the litigant public, and I base this opinion on various grounds. Firstly, upon grounds which we get from the history of the inauguration of the Court-fees Act; secondly, upon grounds which are based upon statistics, and the third ground is based upon public inconvenience. I deal first with the history of the inauguration of the Act.

The Court-fees Act of 1870 was passed in the Supreme Council on the 11th April of that year and this Act embraced the whole of British India. The effect of this Act was that some previous Acts were wholly repealed and a few other Acts in force were partially repealed. I am distinctly of opinion that the operation of the proposed Bill will prove very harmful and will debar a large section of the people from coming to our law courts to have the benefit of justice. Litigation is no luxury with the people, and to say so, is to betray ignorance. No Government should think of increasing revenue by taxation on justice. The object of the present Bill is to increase the revenue of the Bengal Presidency. Other avenues of income should have been found. I think it will not be out of place to mention here that Bentham was of opinion that justice

ought not to be taxed. Bentham's idea was that all litigation, or all but a very little was entirely the fault of Government, and therefore he naturally objected that Government which in a way is responsible for litigation should be profited by it. Bentham believed that litigation was owing to the complexity of the law, and thus litigation might be almost entirely removed by legislation adopted to true principles. He thought that litigation, and therefore the expense of litigation, might be reduced to a minimum if it were not for the blindness, or the cupidity of Legislatures in not simplifying the laws. Mr. Maine observed " an all comprehensive Code of substantive law, having for its end in view the greatest happiness of the greatest number, each part of it present to the mind of all persons on whom conformity to its enactments, the attainment of its end depends and an all comprehensive Code of adjective law otherwise called a Code of Procedure having for its end the giving, to the utmost possible amount, execution and effect to the enactments of the substantive Code " was essentially necessary. This passage was quoted from the " Principles of Judicial Procedure " as a statement of Bentham's expedient for preventing judicial taxation, and accordingly he argued with perfect logic, thatif costs and fees were inevitable, it was the Government and not the litigant that ought to pay them.

The Stamp Act XXXVI of 1860 was passed in the Supreme Council. It was the first Act of a general character relating to the judicial and non-judicial stamps in British India and its provisions replaced the previous regulations in force in the three Presidencies. Act XXXVI of 1860 was repealed by Act X of 1862. A representation was made to the Government of India that the scale of court-fees as given in the Act of 1862 was too low and capriciously arranged. In 1866, Lord Lawrence took into consideration the argument of Mr. Roberts. He was proposing from time to time that there should be an uniform rate of duty of 12 per cent. and that duty should be charged up to a certain sum and beyond that sum a small duty should be levied and the money so obtained should be employed in the improvement of the courts of justice. Mr. Strachey contended that a certain sum of money should be expended in increasing the salaries of judges and ministerial officers. A commission was appointed with Mr. Justice Louis Jackson as a referee and Mr. Cockrell, Mr. Prinsep and Mr. Hobhouse as working members. This was known as the Stamp Commission and its report was accepted by the Executive Council. The result was that Act XXVI of 1867 was passed. But public opinion was against that Act. Its provisions were pronounced to be very hard, and the result was, it proved very prejudicial to the interests of justice. Within three years the Indian Legislature found out where it had erred and Act VII of 1870 was passed. In the Statement of Objects and Reasons of this Act it was stated that " The experience gained of their working during the two years in which they have been in force seems to be conclusive as to their repressive effect on the general litigation of the country. It is, therefore, thought expedient to make a

general reduction in the rates now chargeable on the institution of civil suits, and to revert to the principle of a maximum fee which obtained under the former law." Though the provision of this Act gave some relief to the parties concerned, it was taken for a small mercy.

The author of the present Bill has evidently ignored the interests of the litigant public. Sir, we are passing through a critical time. The economic condition of the country is in a hopeless condition and it is very unfortunate that the framer of the Bill has failed to realise how the enhancement of court-fee and other items of stamp-fee will affect the masses and the still voiceless public. It will not do to forget that there are millions of people who cannot make their voice heard in this Council or by the Government, and yet they pay their share of taxation, direct or indirect, to the Government exchequer.

It is an irony of fate that though the income under the head "Justice" is sufficient to satisfy us, we are still bent upon making justice more costly. In the year 1911 I find that the receipt under the head "Civil Justice" was Rs. 92,42,438 and the expenditure was Rs. 45,45,577, leaving a net profit (income) of Rs. 46,96,861. In the year 1912 the amount of receipt was Rs. 1,27,04,911 and the expenditure Rs. 56,83,368, leaving an income of Rs. 70,21,543. In the year 1913 the receipt was Rs. 1,28,64,865 and the expenditure Rs. 59,35,406, leaving an income of Rs. 69,29,459. In the year 1914 the receipt was Rs. 1,30,34,157 and the expenditure was Rs. 60,51,629, leaving an income of Rs. 69,82,528. In the year 1915 the receipt was Rs. 1,32,27,089 and the expenditure was Rs. 61,34,229, leaving an income of Rs. 90,92,860. In the year 1916 the receipt was Rs. 1,50,48,365 and the expenditure was Rs. 58,10,457, leaving an income of Rs. 92,37,908. In the year 1917 the receipt was Rs. 1,47,56,574 and the expenditure was Rs. 61,99,822, leaving an income of Rs. 85,56,752. In the year 1918 the receipt was Rs. 1,49,02,371 and the expenditure was Rs. 59,53,495, leaving an income of Rs. 89,48,876. In the year 1919 the receipt was Rs. 1,66,84,507 and the expenditure was Rs. 62,78,676, leaving an income of Rs. 1,04,05,831. In the year 1920 the receipt was Rs. 1,66,84 507 and the expenditure was Rs. 62,78,676, leaveing an income of Rs. 95,42,079.

I have not given here the amount of revenue derived under the head "Criminal Justice." But it is certain there has been sufficient credit balance each year.

The Act is a fiscal enactment. The object is to provide by this measure the costs of law courts and offices necessary for this purpose. Government ought to have been satisfied with the profits at present derived from the sale of court-fees. Large amount of profits under the head "Justice" has been diverted for other purposes than for which it should have been spent, and yet the Government seem to be determined

to have more from the same source. I am afraid that the result of increasing the rate of court-fees will be an incentive to under-valuation of suits and consequent loss of a large amount of money hitherto derived from the sale of court-fees. I beg to assure the Council that I do not oppose the introduction of the Bill merely for the sake of opposition, but I feel it my duty to sound a note of warning as to what will be the result of passing the Act. I have been practising as a lawyer for the last 51 years and can therefore claim some practical knowledge of law courts and litigants, and I believe it to be my duty to submit to the Council the effect of passing the Bill. I therefore oppose the Bill.

Adjournment.

The Council then adjourned till Tuesday, the 24th January, 1922, at 3 P.M., at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 24th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 116 nominated and elected members.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): Order! order! An examination of the division lists of last night's division on the motion for reference of the Amusements Bill to a Select Committee has shown that a member, Munshi Makramali, voted in both lobbies at the division. Munshi Makramali was seen to go first into the "Aye" lobby where his vote was recorded, and later, after his return to the Council Chamber, he went into the "No" lobby and had his vote recorded there also. In a case of this kind, in my opinion, the only proper course is to expunge the vote of the member from either side of last night's division list, and I direct the Secretary to correct the division lists accordingly.

I may note that the teller of the "No" lobby reported to me at the time that this member had been escorted into the "No" lobby by another member in circumstances almost amounting to restraint, and I must again warn the Council that canvassing in the Chamber is quite out of order, and that canvassing of the nature referred to cannot be too strongly condemned.

I have also had examined the procedure in the House of Lords and the House of Commons in cases where a member strays into the wrong lobby. In the House of Lords the member can correct his error by a public declaration in the Chamber before the result of the division is declared. In the House of Commons his vote once given is final, following a seventeenth century rule. I think that, following last night's precedent, we may continue to observe the procedure of the House of Lords for the present, as this is the more considerate to members, and our numbers are not very large, but if it appears that mistakes are reported with any frequency, or if the Chair has reason to question the genuineness of any correction, it will fall back on the House of Commons procedure.

A member wishing to make a correction in regard to his vote must, therefore, come up to the Secretary's table when the members have returned to the Chamber to hear the result of the division, face the Chair, and, on summons from the Chair, publicly declare his error.

The Chair will then order the division list to be corrected in accordance with the wish of the member and declare the result of the division.

It must be clearly understood that this privilege will only be permitted if action is taken by the member before the result of the division is announced.

Government Bills.

The Bengal Court-fees Bill.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to oppose this Bill. This is more serious than the last Bill. The Hon'ble Mr. Kerr has admitted in his opening speech that the bulk of the money raised by this tax will be from suits of small value, and though he was himself personally inclined that these small suits should be exempted, he could not do so because the object of the Bill would then be frustrated. The Hon'ble Mr. Kerr is too frank and honest for a politician. So it is admittedly a tax on the poor. I asked him yesterday whether it was a fact that increases in salaries which he got sanctioned last year were more than a crore of rupees. I asked him whether it was a fact that the proceeds would be absorbed by the increases, but this he did not deny. The Hon'ble Mr. P. C. Mitter got up and said that these increases had been determined upon by the preceding Government and therefore they had no option but to carry them out. The fact, Sir, stands there that these taxes are required for salaries. The fact cannot be disputed. The people of Bengal have every right to object to paying tax in order to supply larger salaries to their officials. Sir, I ask whether it was a fact that the Hon'ble Sir Surendra Nath Banerjea and the Hon'ble Mr. P. C. Mitter were parties to a memorial in which it was stated that a new taxation to meet administrative charges would be bad and the people of Bengal would be justified in resenting it. I ask and ask again these leaders to say how they can support these taxes on the poor admittedly in order to meet administrative charges. Now, Sir, looking at the merits of this Bill, on principle it is bad to tax justice. To make a profit out of administration of justice is simply indefensible. To make a larger profit out of it for administrative charges is still more indefensible. That it is bad on principle has been admitted by previous administrators, and in this new Council, we, the helpless few here, are asked to sanction a tax which is on principle as bad as can be. Sir, you know very well that in the High Court (Original Side) no *ad valorem* court-fee is leviable. They have fixed small court-fees on suits of all values, even for suits of Rs. 10 lakhs or Rs. 20 lakhs. Why is it that the people of the mufassal should have a large tax to pay whenever they come to a court of justice, whereas the people of Calcutta have to pay a very small tax? Why should there be a differential treatment? The reason is apparent. Calcutta is the city

of Europeans and they would not stand it, but in the mufassal the poor raiyats can be fleeced to any amount in any way. Sir, I again say that this tax is bad on principle and indefensible. This will raise discontent in the country and be a source of strength to the non-co-operators, who are already trying their level best to boycott courts. Now the boycotting of courts would be easier.

Rai RADHA CHARAN PAL Bahadur: What about your occupation?

Rai JOGENDRA CHUNDER GHOSE Bahadur: As regards our occupation, it does not concern an inhabitant of Calcutta who has not got to pay any tax or court-fees. Now, Sir, these are the considerations which ought to weigh with the Government. No doubt, the Government has got a large majority whom it can command to vote as it likes and we, the minority, are helpless and hopeless, but still it is our duty to protest against the inequality of the measure and also to point out the unwisdom of it to the Government.

Babu RISHINDRA NATH SARKAR: I rise to oppose the Bill on two grounds—first, the ground on which I wish to oppose it is that injustice has been done to us by the Government of India and the Government of India alone is responsible for it. We cannot charge the Meston Committee so much as the Government of India, because they were given ample powers by the Joint Parliamentary Committee. But, Sir, the difficulty, that has been put forward with vehemence by the Hon'ble the Finance Member and the Government of India, is that the Legislative Assembly stands in our way; that they are wanting in sympathy for Bengal. I do not understand how they have come to this conclusion. The Government of India asked for Rs. 63 lakhs only and the Legislative Assembly has sanctioned it. What prevented the Government of India from asking for a sum to make up the deficit for Bengal? How can the Government of India anticipate the view of the Legislative Assembly before the matter was placed before it? I had a talk the other day with a responsible member of the Assembly and I was told that the remark was unjustifiable. If that be the case, then we do not see why we should not reject the Bill unless our grievances are remedied by the Government of India. I am sure that if this and the other Bills are rejected, we shall get our grievances remedied by the Government of India.

It has been said that a deadlock will be created in Bengal and that the Government will be paralysed, but I do not see how. It will only affect the Government of India. We have got some money to spend for our own purposes and then we may deduct from the revenue we have to contribute to the Government of India and devote it for the ordinary administration of our province. So there will not be a deadlock here. We all agree that injustice has been done to us and let us all unite and get ourselves redressed of the wrong. On this ground I urge that the Bill should be rejected.

My other reason is that justice should not be taxed. The rate of court-fees should, to my mind, be as little as possible. It should not be too heavy for the poor litigants to pay. I understand that in England these fees are taxed up to the extent of meeting the cost of the Department of Justice and leaves no surplus. But here we make a large profit now, and hence, instead of reducing the rates, we should not increase it. On this ground, also, I say that the Bill should be rejected.

Babu INDU BHUSHAN DUTTA: In addition to the general reasons of principle that I advocated in opposing the Amusements Bill, I beg to oppose this Bill on its own mertis also.

What are the main characteristics of a good taxation Bill? As far as I have been able to study the matter, it seems to me that the following conditions should be satisfied before any porposal for taxation can be fairly acceptable to the people:—

Firstly, that the taxation should be an indirct one;

Secondly, that it should be imposed on luxuries rather than on necessities; and

Thirdly, that its burden should not fall on the poorest people, who are so incapable of bearing it.

Now, let us examine this Bill by these three standards.

Is it a direct or an indirect taxation? The answer is obvious. You have to pay an entrance fee, before you can even enter the gates of any court of justice. The tax is already there; now, it is proposed to increase even this fee. It is a direct taxation, and as such, should not have been augmented.

To come now to my second point, whether it is a tax on luxury or on a necessity. The Hon'ble Mr. Kerr and the officials of the Finance Department may regard litigation as a luxury, because they get monthly salaries from the Government and have not to sue the Government for arrears of pay, but, we, Sir, who have landed interests in the country and have to do some banking business, know to our cost that ligitation is far from a luxury. Government is always liberal with its funds and hence Government officers don't have to sue it, but tenants and debtors are not always so prompt; and litigation is one of the stern realities of our life. We have to face it, whether we like it or not. The majority of the people of Bengal has to face litigation, now and again, and we cannot regard it as a luxury. I wish we could. It is a necessity, and as such, should not be overtaxed.

Then, my third point, where does the incidence of this taxation fall? Bankers, landlords and other people may have to pay the cost first, but, in the long run, the costs of litigation come from the pocket of the poor tenant or debtor. It is the poor people, whose life is a long-drawn sigh from year's end to year's end, it is they who have to pay the expenses of litigation. Is this the class of people that is

fittest to bear the additional burden that the Hon'ble Finance Member seeks to impose? Sir, these people have burdens enough. Let them not be burdened any more. Are you going to place prohibitive premium on justice? Shall not the poor men have as good justice as the rich—or is he going to be denied justice because of his poverty?

No, Sir, this is the most objectionable subject that the Hon'ble the Finance Member has chosen for fresh taxation. Justice is dear enough, let us not make it dearer.

I shall be probably faced with the question; then, how are you going to raise the funds? I say, again, extra funds should not be needed to meet the ordinary costs of administration. Mr. Spry made much capital of my statement that the normal expenditure of Bengal had gone up from Rs. 8 crores to Rs. 12 crores in two years. He sand that my statement was misleading. Has he been able to deny my facts? I did not say that all this increase was due to the Reforms. I said that the increase had taken place in course of two years, and that Government had no business to adopt this extraordinary increase. Much of this amount has been sanctioned for giving increase of pay to the already highly paid Government officers, because of the increased cost of living. May I ask, Sir, has the cost of living increased only for Government officers, who form a very small minority of the people? Has not the increase affected the vast majority of the people? Have their incomes increased? Does a landholder, does a professional man, does a raiyat now get much more than what he used to get before? Then, what are you going to do to help him? or instead of helping him, are you going to tax him in the bargain, in order to keep the Government officials in luxury and plenty?

There is another point about this Bill. It has not been properly circulated. I sent in a motion demanding that the Bill be circulated. The motion was not passed because Government said that it had been cirlculated. May I ask, Sir, if the Bill has been circulated among all the lawyers' libraries of Bengal? They, if any one, should be consulted first of all. The Government has no right to thrust this Bill on the people in such a tremendous hurry.

Maulvi MAHAMMED MADASSUR HUSSAIN: The other day I said that while I support taxation I do not support it to the extent proposed by the Hon'ble Mr. Kerr in the Court-fees (Amendment) Bill. A cursory glance at the said Bill will at once show that it is proposed to enhance court-fees wholesale down from Rs. 5 up to the highest amount. I oppose this wholesale and all-round increment. If this proposal of wholesale increment be accepted, it will be unjust, oppressive and harsh to the extreme. This wholesale increase will be an engine of oppression and will crush down the peasants, raiyats and poor debtors, who are already groaning under the heavy burden of indebtedness. If this proposal of wholesale increment be given effect to, it is the poor and

needy who will be taxed in order to meet the overwhelming deficit of the Bengal budget. I denounce the proposal to tax the poor and the needy and to compel them to fill the empty coffers of the Bengal Government, thus still further impoverishing this class of people. I must explain how this wholesale increment is unjust and the poorer classes will be affected by it. It is well known to every member of this Council that 99 per cent. of the revenue derived from the sale of court-fee stamps in the court of the Munsifs is raised from persons who go to Munsifs' court in order to seek relief. Who are these persons who seek relief in such courts? Any one who has experience of the courts of the Munsifs will tell you at once that a vast majority of suits which are instituted in these courts are suits for recovery of arrears of rent and debts, that is to say landlords, money-lenders and shopkeepers sue their tenants, debtors and customers for failing to pay in time. Now, Sir, why do they fail to pay? In most cases they fail to pay because they are poor, because they are unable to make the two ends meet, because their income is not sufficient to meet their wants. In fact, Sir, the position of the defendants in rent, money and mortgage suits in these courts is the same as that of the reformed Bengal Government for which the Hon'ble Mr. Kerr bewailed in his masterly speech and for which he proposes to raise money by taxation. He may tax the people, but the poor defendants cannot. A deadlock ensues in their domestic affairs; they lose their liberty and are put into the civil jail; their household articles, crops and lands are sold. These landlords, these money-lenders, these shopkeepers when they sue their debtors, they of course are compelled to pay court-fees, but when decree is passed they also get decrees for court-fees and other incidental costs in addition to the claim against their debtors, and decree-holders realise their dues by seizing their person and property. Therefore it is quite clear that it is the poor who will be compelled to pay. The Hon'ble Mr. Kerr has said that litigation is a luxury and the man who will file simplest suits will not feel it if he is compelled to pay a few annas more as court-fee. I emphatically but most respectfully beg to differ from the Hon'ble Mr. Kerr. I have already said and pointed out that it is not the man who will file such suits and thus enjoy the luxury of litigation who will have to pay, but it is the poor debtor who is dragged to the court for his poverty who will have to pay your additional court-fee. The Hon'ble Mr. Kerr says that a man who comes to court and pays Rs. 8 or Rs. 10 as costs will not feel if he is required to pay a few annas more. This is also not correct. He has proposed to impose an additional court-fee of nearly Rs. 4 over and above the court-fee of Rs. 8. Therefore by increasing the value of court-fee up to Rs. 1,000 you tax the poor and the needy. I refuse to tax their poverty and therefore I denounce the proposal to impose additional court-fee on suits the valuation of which is up to Rs. 1,000 The suits the valuation of which is more than Rs. 1,000 stand on a different footing. There the vast

majority of suits pertains to disputes over lands, wills, adoption commercial, industrial and trading transactions. In these cases the parties are wealthy who generally outspend themselves. An additional court-fee will not press upon them so much heavily as the poor starving peasants, raiyats and debtors. Being faced with overwhelming deficit, though I am compelled to support the imposition of additional court-fee on suits the valuation of which is above Rs. 1,000 in order to enable the Government to carry on the administration, I oppose the imposition of any additional tax below Rs. 1,000 The elected members of this Council are representatives of the people Shall they be a party to increase the burden of the poor raiyats, peasants, labourers and artisans? Shall they be a party to still farther impoverish the already impoverished poor? If they be a party to such wrong act, they will betray their trust.

It may be urged that in order to meet the overwhelming deficit it is necessary to impose an additional court-fee on suits the valuation of which is below Rs. 1,000. I say it is not. If after taxation on amusements an imposition of additional court-fee on suits above Rs. 1,000 you find that there exists a deficit, you may impose a tax on advertisements and, I may even suggest, non-agricultural land. I have no doubt that you will raise a considerable amount by these means. Even then, if you be faced with a deficit, I ask you in the name of the Almighty to have pity on the poor and starving raiyats and labourers who are unable to pay their debts and reduce the salary of your provincial and subordinate officers. The Hon'ble Mr. Provash Chunder Mitter says that you cannot go back on your promise and that this pay has been increased by virtue of the recommendation of the Public Services Commission. but I ask the Hon'ble Mr. Mitter when you have not sufficient money to feed your children, have you no right to say to your servants, "Well, I have no money, please forego your increment for the present. I am unable to feed my children." What is true in the management of a household is equally true in the case of a State. A State is only a bigger household, just as a man is nothing more than a grown-up child. I beg to remind the Hon'ble Mr. Mitter that the terms under which you appointed your provincial and subordinate officers are not the terms under which increment was given to these officers. I assert, Sir, that these increments are a windfall to them. They never expected such heavy addition to their pay. The Public Services Commission, in recommending increment, never took into their consideration the financial position of the interested Government. Their recommendation is based simply upon the evidence of gentlemen who thought that, regard being had to the nature of the work done by these officers and comparing them with the members of the Indian Civil Service, the pay of such officers should be increased. Others may say you should increase the pay of your servants, but can you not say, "I am short of funds, I am unable to do it. I never promised to increase at the rate recommended by you when

I appointed them." Therefore I make bold to assert, regard being had to financial difficulty and the law as it stands, that it is within our power to cut down the increment of these officers. I say that the income of these pleaders has not increased, the income of the landlords has not increased and there are thousand and one other classes of people whose income has not increased. If they can go on and manage their affairs, your officers can certainly do so. Man's ambition knows no bounds. Your officers will not be satisfied, even if you pay them 4 lakhs a year. Food hunger may be satisfied, but earth and wealth hunger is never so done. I assert without fear of contradiction that the additional salary of these officers is going to increase their bank balance. Taking these facts into consideration, I appeal to the Hon'ble Mr. Kerr and other members of the proposed Select Committee to exempt suits of the value up to Rs. 1,000 from the burden of additional court-fee. I would also appeal to the Hon'ble Mr. Kerr and other members of the proposed Select Committee to exempt suits from additional burden on political grounds, namely, because it will give a handle to the non-co-operators, who will say that the imposition of additional burden on poverty-stricken raiyats, peasants, artisans, and labourers has illustrated the truth of the assertion of their leaders that under British rule strong grows stronger and the weak goes to the wall. I may add that if you cannot avoid putting additional burden on suits up to Rs. 1,000, you may mitigate the bitterness by providing that this additional court-fee will not be costs in the suits.

With these observations, I would support the motion for referring the Court-fees Bill to the Select Committee.

Rai RADHA CHARAN PAL Bahadur: The various speeches that have been delivered up till now show the necessity of having the question brought up at an earlier stage for discussion in the Council before definite proposals in the shape of these two measures had been laid before the House by the Hon'ble Mr. Kerr. I regret—I reiterate my deep regret—that the Council was not taken into confidence at earlier stage.

Now I come to the Bill itself. As the previous speaker has said the burden will fall very heavily on the poor, I should like therefore that, as suggested by him, debtors in suits up to the value of Rs. 1,000 might be eliminated from the Bill, or we might strike a middle course so that we might eliminate cases up to Rs. 500, that is to say, debtors and defaulting tennants against whom suits up to the value of Rs. 500 are instituted, will not be liable to pay this increased tax. I think this suggestion may be considered by the Select Committee. I know that it will affect the revenue estimated by the Hon'ble Mr. Kerr, but again I reiterate what I said on a previous occassion, that the matter has not been fully discussed and considered. Perhaps it is a counsel of perfection that was arrived at by the Cabinet of the Government

of Bengal that land should not be taxed. I would suggest that there should be a tax on agricultural income to safeguard the interests of raiyats. I fail to understand why big personages like the Maharajadhiraja Bahadur of Burdwan, the Hon'ble Mr. P. C. Mitter (the Minister for Education), and Rai Jogendra Chunder Ghose Bahadur, who enjoy such splendid patrimony and princely income—men like Kumar Shib Shekhareswar Ray—should not pay a certain amount as tax on their income. I fail to understand why an humble individual who owns a dwelling house and whose income exceeds Rs. 2,000 a year, shall be asked to pay income-tax, while our rich friends who are rolling in riches, driving in their Rolls-Royce cars and having any number of servants and retinue should be exempted from any contribution at this crisis. Why should not they make some sacrifice at this crisis? I am sure Rai Jogendra Chunder Ghose Bahadur, who has so much tears for the sufferings of the poor, will be the first to come forward with his contribution. He will be very glad to pay a share of the income which he derives from his patrimony.

I have another suggestion to make. I do not know whether my friends have forgotten that we have got a standard of rent prescribed for the city of Calcutta; let there be a standard of legal fees for lawyers prescribed, and any one taking anything above that shall have to pay 50 per cent. to the exchequer. Will the Hon'ble Mr. Kerr consent to make such a suggestion in the Select Committee? I repeat once more, let there be a standard of legal fees for lawyers, and any one taking above that standard should pay at least 50 per cent. to the exchequer. That will certainly ease the present position. Why should not my friend consent to that? I think if the taxation Bills are to be passed into law, it should be distinctly understood that they are to be temporary measures to remain in force for one year only. That was my idea from the very beginning. We have not given careful consideration to the various suggestions that might be made as regards alternative measures to meet our deficit. I think we are in this position at present because we have to make good the deficit. So we have accepted the Hon'ble Mr. Kerr's proposal. Let it be accepted for one year only, and within the next twelve months some other proposals will be made for our financial relation with the Government of India to be successfully adjusted. If not, some equitable measure of taxation may be proposed which will not touch the poor so much as the rich.

With these observations, I give my general support to the Bill.

Khan Bahadur WASIMUDDIN AHMED: For any one who has listened with unprejudiced mind to the masterly speech made by the Hon'ble the Finance Member, it is impossible not to sympathise with him. It is a great pity that within one year from the inauguration of the Reforms he has been confronted with such a heavy deficit that he has on other alternative but to introduce no less than a quarter dozen taxation Bills: that, too, at a time when the whole country

is seething with discontent and smarting under wrongs which most of the people attribute to the short-sightedness of the Government. It were some excuse if these taxation were for productive purposes, such as developing the material resources of the country by improving industry and agriculture. Government have hitherto turned a deaf ear to the popular demand for improving agriculture and industry on the ground of shortness of funds, but they refuse to accept the plea when they found Government could spare money enough to increase salaries and thereby to add comforts to the luxurious living. Dearness of living has been set up as a ground. If this was the real ground, then increment would have commenced with the low paid officers; following the wholesome policy of serving them first who needed most, instead of driving them to take their chance last of all. If statistics were taken to ascertain how the old scale of salaries affected the economic condition of the people who held high salaried offices for a pretty long time, they would disclose that savings enabled the Indian officers vastly to improve their status both social and material and European officers, after a sojourn of twenty years on Indian soil, returned home as petty Nabobs. The country is under the impression that salaries of Indian officers were enhanced as they felt ashamed to refuse them the crumbs when they were regaling themselves with rich delicacies of the table. Otherwise where was the necessity of increasing the emoluments of the Provincial Executive and Judicial services when the flowers of the Universities and young men of best blood were competing hard for a seat in these services even under the old conditions? Government impoverished themselves by trying to cater to the insatiable appetite of their protégés. Now that the Government are tottering for want of funds, it behoves these gentlemen to sacrifice a portion of their salaries just to save the goose that laid golden eggs for them. Of late the number of officers have been greatly increased, giving rise to the belief that for the least amount of work there is the highest remuneration. There is ample justification for the opinion that every thing is spent for rubbing, varnishing and glittering and scarcely anything left for feeding. Several departments may be entrusted with the same inspecting officer, effecting savings both in salaries and travelling allowances. Primary education has been sadly neglected. Highly qualified officers have been employed for inspection of primary schools and entrusted with much clerical work, who scarcely find time to inspect many schools once a year; though with the same amount a greater number of less qualified people, quite competent to discharge these duties, could be employed with much greater advantage. Several departments are maintained for keeping up the hue of a civilised Government without adequate real work. The Fishery Department, for instance, is wasting its energy in unproductive purposes. Besides arranging for the distribution of a small quantity of fish fry, it is doing very little for increasing the stock or improving the means of supply. For what is the use of

studying the breeding habits of *hilsa* fish, knowing full well they would never thrive in the closed waters, or studying how the eggs of several fish are fertilised, without providing adequate means of rearing them? Indiscriminate catching of fish during the breeding season is causing a havoc on the fish supply and nothing has been done to stop it. Channels and rivers are allowed to dry up, without taking adequate steps to prevent it. The Agriculture Department is, of course, doing something by finding out by selection better varieties of seeds and distributing them to a certain extent and by demonstrating what kind of crops would prosper in a particular soil, but nothing has been done to enable the raiyats to reap the fruits of their labour, as they are still the victims of freaks of nature. A few weeks' drought or an early flood deprives them of the fruits of their year-long labour. Next to nothing has been done for providing them with the means of irrigation, though the numerous rivers and channels present vast possibilities. Dr. Bentley pointed out the other day that Egypt, a country no bigger than the Presidency Division of Bengal, could raise a revenue of 60 crores of rupees a year and could expend no less than a crore of pound sterling in purchasing foreign goods, though conditions in Egypt are almost the same as in Bengal. Egypt has no minerals and no manufactures and the whole of her resources are derived from agriculture. If Government had expended adequately for these purposes, they would not have been reduced to such a bad condition. From the large bestowed they would large bestow. If Government could put pounds into their pockets, they would not grudge shillings. Of course, land revenue could not be increased, but there is nothing to prevent levying water-rates after providing for irrigation. Both our eminent countrymen Sir Nil Ratan Sarkar and Dr. Bentley pointed out how malaria could be diminished by arranging for silt deposits on the stagnant areas, which at the same time would highly fertilise the soil, making adequate returns in the shape of vast agricultural improvement. A vast quantity of silt is carried every year to the sea by the mighty rivers of Bengal. By dredging the existing rivers and channels and by opening new canals, these invaluable agencies could be made to flow into the interior, securing the material prosperity of the country. Government paid very little attention to these things. With a very noble object in view, the Sanitary Drainage Act was passed. Though the Act remained on the statute book for about a quarter of a century, very little advantage of the law was taken. In reply to my question put to this Council the Hon'ble the Minister in charge of the Public Health Department laid on the table a statement which speaks for itself. It shows in clearest possible terms that next to nothing has been done for the province for want of funds.

Then, again, there is no encouragement for industries and agriculture. Bounty-fed foreign articles choked our industries, and we hamper our produce by imposing export duties and putting other obstacles to foreign

consumption of our raw materials. Bengal raiyats grow jute and their labour does not divide the day from night. Export duties are levied and many other undesirable conditions are laid on their export and nothing is expended for improving their lot and the India Government appropriate the last farthing. Mill-owners are allowed to gamble with their produce; they declare huge dividends; the Bengal raiyats get less than the cost of production. The Mill-owners suffer from plethora of money, whereas the raiyats wither before the frowning eyes of money-lenders and zamindars.

Hitherto the people looked upon the Government as their *Ma Bap*, but of late they have been disillusioned of that happy idea. When they find that they suffer from starvation and are obliged to go almost naked for the high price of cloth and other necessaries of life and they find the dealers in these commodities are growing richer and richer, not knowing how to utilise their surpluses, and Government standing by without raising a finger, they naturally think that Government have been gagged by heavy war-loans and super-tax on surplus profits. It is true Government employed some controllers, but as ill-luck would have it, they made the conditions worse; cupidity of some and neglience of others rendered the case of the sufferers quite hopeless. How can they be a willing party to such taxations at such a time? I apprehend these may prove the last straw to break the camel's back, may frustrate the very object of the Bill. So it is highly desirable that these taxations may not reach the poor who are already over-burdened and who expect very little returns from these taxations. I am constrained to make these remarks in the hope that Government will profit by the past experiences and adopt a more equitable system in the distribution of their assets.

Some of my friends, for whose judgement and opinion I have high regard, have appealed to us to throw away all these taxation Bills. While I quite see the force of their arguments and appreciate the feelings which prompted them to take such decisive steps, I cannot fully agree with them. However we may rebuke and chastise the Government for their past conduct and present policy, we cannot allow the Government to languish and die. I cannot allow the non-co-operators to steal a march upon Government and chuckle at the defeat of the Government. Most of us do not approve the recent policy of Government. But it cannot be gainsaid that the activities of the non-co-operators made the situation acute, calling for interference of Government. We are to remember that non-co-operators are not the only residents of the country, there are innumerable people holding different shades of opinion; the former have no right to force their conviction on others, they too have a right to freedom of action and speech. Assuming the creed of non-violence, if the non-co-operators could use force of various kinds to prevent others from following their ordinary avocations in life, the latter have the right to call for Government help,

and Government is bound to see that none intrude on the rights of others. It is true there have been some excesses. It is hoped that Government will keep within due bounds, rather lean on the side of leniency; but it must be admitted that when the tension of feeling is high and Government have to exercise their power through various agencies, all of whom cannot be expected to have the same amount of self-control, excesses in some cases are the inevitable consequence. On the other hand, all right-thinking men will consider whether it is desirable to allow the country to drift into Bolshevism or to save it from the wave of anarchy which is fast approaching it. When the very first principles of rule are ignored by the non-co-operators, and when the burden of their song is "Do not listen to what anybody might say: go your own way," the country and soceity will go to the wall unless they are kept under proper control. Indeed, it is very difficult to manage affairs of Government when leniency is construed into weakness and few have the patience of hearing the other side.

With these remarks I think it desirable to support the Government measures proposed, and it is hoped that the members of the Select Committee will take care that the provisions of the Bill do not effect the poorer classes. The hardship of the poor classes of this country cannot be truly ascertained by the English measure where people talk in millions, but they must apply the country method of counting by *cowries*. I make bold to suggest that court-fees on the first one thousand rupees may be kept as now, increase being allowed on the rest, as in that case the provisions of the proposed changes will do nothing but withdraw the concessions hitherto allowed to suits of higher value. It will not certainly bring in the expected amount of revenue, but it can fairly be hoped that the three taxes proposed will prove sufficient for the demand. We must follow Bentham—"If pains must come, let them extend to few."

Babu AMULYA DHONE ADDY: Yesterday I supported the resolution to refer the Amusements Bill to a Select Committee. I did so on the ground that it would be taxation on betting and thus discourage it. But I am sorry to say that I am strongly opposed to the adoption of the principle of the Bengal Court-fees Bill. I admit that there is a deficit of Rs. 90 lakhs and we must try our best to meet it, especially when we want money for technical education, encouragement of local industries, improvement of sanitation, and also for the improvement of primary education. I fail to understand the necessity for having a surplus of Rs. 60 lakhs. In order to meet this deficit of Rs. 90 lakhs, yesterday we accepted a proposal for taxation under which we hope to get a revenue of Rs. 30 lakhs. Now we should try our best to meet the deficit to the extent of Rs. 60 lakhs, and I think the best course will be, under the circumstances, to reduce our expenditure. The cost of police has been increasing by leaps and bounds.

We have also increased the pay of ministerial officers, members of the Provincial Service, both executive and judicial I admit that when the increments were sanctioned, there was a great famine in India, and the Government were quite justified in granting these increments, but now circumstances have materially altered. The war is over, famine is also over, the price of food-grains and other necessaries of life has already gone down and is expected further to go down. Therefore I think we should be justified in reducing the increment of pay and allowances to these officers, and I also beg to submit that the pay of the Heads of Departments, and especially of the Hon'ble Members of the Executive Council and the Ministers, should be reduced. I hope and trust that the Hon'ble Sir Surendra Nath Banerjea, who is really the father of agitation for Home Rule, would reduce his own salary and thus set an example to his subordinate officers. Now I make another suggestion by which we may reduce expenditure. As regards the execution of permanent works, instead of meeting the expenditure from revenue, I think it would be better to raise a loan and meet the expenditure as is done under the Calcutta Municipal Act, because by the execution of these important works, not only the present people of Bengal but also their children and grandchildren would be benefited. I do not think we should be justified in meeting this expenditure from current revenues.

As regards the question whether the court-fees should be increased or not, I beg to submit that it will be a source of great hardship to the raiyats of Bengal. The raiyats are anxious to pay up their arrears of rent, but from force of circumstances they are not able to do so sometimes, and the landlords are under the painful necessity of instituting cases for realisation of the arrears of rent, because unless the suits are instituted in the fourth year, they become barred under the Limitation Act. Tenants and landlords are equally quite helpless, therefore it is the tenants who will have to pay this increased court-fee. As regards Calcutta litigants, I beg to submit that under the Presidency Small Causes Court Act the rate of 2 annas is not very exorbitant, but it is much higher than the cost of suits in the mufassal, and it is proposed to increase it by another 50 per cent., viz., to 3 annas. I beg to submit that, for this reason, justice would be denied if we pass this Court-fees Bill.

It is said we made an appeal to the Government of India for exemption from the payment of the contribution of Rs. 63 lakhs per annum, and it is also said that the Government of India, having a greater deficit, cannot be expected to exempt us from this contribution continuously. The Government are responsible for that: Government could have levied a tax on the export of food-grains, which would have been a source of revenue for the Government of India, and would have lowered the price of food-grains in India. I am sorry that public opinion has not been invited in this case; some public bodies have been consulted, but

we have not been favoured with their opinion as yet. I have consulted some of the leading members of the Alipore Bar Association, and I find that they are unanimously against this proposal. It may be that it is to the interests of the members of the Bar themselves that they desire that the rate of court-fee should not be increased. However, I beg to draw attention to the opinion submitted by the Bengal Mahajan Sabha, which consists of important traders of Calcutta.

They said:—

We are opposed to the principle of imposing further tax upon justice. One of the attributes of good government, at any rate according to oriental idea, is that justice should be administered as cheaply as possible. It is indeed a violation of that rule when court-fees are realised to meet the costs of the administration of justice. But it becomes almost indefensible when the Government want to make a profit from the administration of justice with a view to report the cost of other branches of administration. My Committee, therefore, do not think that there can be any justification for increase in court-fees in connection with suits or applications which would impose burdens upon poor litigants, mostly agriculturalists, who should on no account be fleeced in order to meet the cost of maintaining highly-paid officials for carrying on other branches of Government.

As regards landlords, I may draw attention to the opinion which is expressed by the East Bengal Landholders' Association. They strongly disapprove of the idea of additional taxation in any shape or form in view of the economic distress prevailing in the country. They are of opinion that the time is too inopportune to justify the imposition of any fresh burden upon the people. The Committee therefore suggest that the Bill should be dropped.

Then I beg to draw attention to the Administration Report of the Government of Bengal for the year 1918-19. It appears that the total number of suits for money and moveables was 274,609, of suits under the rent law 374,000 of title and other suits 61,147. In suits for money or moveables 47·5 per cent. and in rent suits 75·4 per cent. were for sums of less than Rs. 50. I would draw special attention to this: in suits under the rent law 98·1 per cent. were for realisation of arrears of rent. It thus appears that this will be a source of great hardship on the cultivators and that is the greater reason why I am under the painful necessity of opposing the motion.

Maulvi RAFI UDDIN AHMED: I beg to oppose this Bill. First we have to see whether this deficit is a creation of the Government to satisfy their sweet will or it was a necessity I shall show how the cost of administration has been increased gradually by the Government at their sweet will. There was one Lieutenant-Governor for the whole of Bengal, Bihar and Orissa, Assam and Chota Nagpur, two Members of the Executive Council, one Inspector-General of Police and one Deputy Inspector-General. Then came the partitions to modify the partition of Bengal and three Governments with higher pay and separate establishments were created and the costs were increased at least four times. Then came the accursed Reforms—reforms that have put the Government into their bankrupt position without doing

any good to the people. We have now four Members of the Council and three Ministers, one President, one Deputy President, and this extended Council entailing heavy expenditure. We have half a dozen Deputy Inspector-Generals of Police now over and above the other departments. Then came the increase of pay of officers. The Indian Civil Service got higher pay. The Superintendents of Police, who were satisfied at Rs. 1,000, were given Rs. 1,700; thus the native officers clamoured and they had also to be satisfied. Munsifs, who could hoard a lot at Rs. 500, have been given another Rs. 200. Deputy Magistrates, who could convict criminals even without evidence, have been given another Rs. 200 to convict inoffensive and innocent people.

In the Universities we have more professors than students. These professors care more for their pockets than for the education of the boys. The result has been that no relationship of teacher and student has been established. There is no *ma-bap* of expenditure.

In the Public Works Department very little work is done for the Government at enormous cost. I am quoting the words of an officer of the Indian Civil Service that 50 per cent. of the money goes to contractors, 25 per cent. to engineers and overseers, and 25 per cent. to Government work. In the district board of municipalities, also, similar is the case.

In the Police Department we have more officers than cases of detection. Besides these, we hear of such phrases as war allowances, overseas allowances, widows' allowances, and the like. Thus the cost of administration has been increased manyfold without any corresponding benefit to the people.

The Hon'ble the Finance Member has told us that the pay of the Indian Civil Service is only Rs. 90 lakhs and that the subordinate service about a crore, and the deficit amount will not be made up even if all these posts are abolished. It is not the pay of these men alone but the cost of the several establishments, together with their whims, that is responsible for the deficit. We have been told by some member of the Council that the deficit is a legacy and so we are bound to make it up. I admit this is so. But was it not created by the Government, whether past or present, at their sweet will? Did the Government care to consult the people or their representatives in the Council when the cost were thus increased? Did not the people cry hoarse over the situation? Are the Government prepared to listen to them even now? If the Government did not do so, why should the people bear the burden now and pay the taxes? People who will pay must have a right to demand accounts and to control the expenditure as well. Did not the members of this Council pass a resolution prohibiting the blessed exodus? Did not they ask the Government to do away with the post of an additional Member of Council, Commissioners of Divisions, and Deputy Inspectors-General of Police? Did the Government hear that? If the Government have not listened to our prayers, we are not bound to suggest and

find out the ways and means how the Government will continue. It is for the Government to do that. Over and above these, when we find that our dear and near friends are being kicked and assaulted and molested in the public streets by Government officials and finally put to jail for entertaining an honest opinion, we are morally bound to oppose this Bill, as the income derived from this will be utilised by the Government for that also.

Increase in the cost of litigation means a corresponding decrease in the number of suits. Already the followers of Mahatma Gandhi have run havoc in litigation, and Government by this legislation means simply to do away with the rest. What Mahatma Gandhi with his thousands of followers could not do to promote the non-co-operation movement in seven months of preaching, Government did in seven days by the repressive measures. And by enacting another piece of repressive legislation Government will give further impetus to the movement of boycotting British courts. Some of the Government servants think that as lawyers are becoming fat-bellied with money from the public, why should not Government also get a little more from them? I should say it is Government that is helping lawyers in getting more money from the public by its failure to give immediate relief to the litigants. Instead of increasing the number of Munsifs to expedite the disposal of cases to save the people from harassment, Government has simply increased their pay. Why not divide the property of the public between lawyers and Government instead of competing with each other in the name of justice? Now I beg to criticise some of the amendments to show the utter uselessness of the amendments.

The court-fees on *vakalatnama* and *muktearnama* have been doubled. Who will pay for those? The poor tenants and debtors, who are unable to pay rents and debts, must pay for them. These are the costs of the suits and the poor will have to pay them. In Bengal over a lakh of suits, with a valuation of less than Rs. 10, was instituted last year. These are mostly rent suits. This shows the rent of the tenant was less than Rs. 2 per annum and they were unable to pay, and Government wants to further tax these people. People are already overburdened and too poor to pay further taxes. Is it fair to kick the fallen over again? Then, again, in declaratory suits the court-fee has been increased to Rs. 20. Some landlords and creditors secure *ex parte* decrees by suppressing the summons. Munsifs and Judges, over-worked as they are, refuse to add to their work by granting reviews. So these unfortunate creatures have but recourse to declaratory suits and they have to pay Rs. 20 as penalty for an equal sum or less. This is fair, indeed! The maximum clause has also been withdrawn. This means that Government wants to divide the property of big men as well between Government and lawyers.

There are many other inequalities too numerous to be mentioned. Instead of doing all these, Government might as well close its gates

stice against the people. I appeal to my fellow-members of this cil to voice the opinion of the people of whom they are repretives; I appeal to those who do not care for their tails at the of their heads; I appeal to those who do not care for the patriotic nce of some other members of this Council, and I appeal to those have self-respect and can form an independent opinion of their With these words, I beg to oppose the Bill.

r. KRISHNA CHANDRA RAY CHAUDHURI: I rise to support troduction of this Court-fees Bill. I appeal to my hon'ble friends, ave opposed it as a protest against the repressive policy of Govern- to withdraw their opposition on that ground and discuss the merits emerits of this particular source of taxation. I am not sure if my le friends, Babu Surendra Nath Mallik and the Kumar Sahib, e that the country is in a state of revolution and it is the bounden of every member of this Council who has taken the oath of allegiance rt that revolution and expedite the process of evolution which is the of the Reformed Council and which object we are determined to out. I appeal to them in the name of practical patriotism, which the monopoly of the revolutionaries alone, to suspend idealism and l the constitution. As for this and the other Bill, the Hon'ble ce Member has made it perfectly clear that there is no other alter- but to resort to fresh taxation and thus meet the enormous of Rs. 90 lakhs. There can be no two opinions that money must nd and the path of the least resistence is a proposal of the kind ht before us. It has caused some anxiety in some quarters that a n of the burden of the new court-fees tax will fall on the raiyats. k we can reduce this burden, or at any rate mitigate it, by certain ards and exemptions. Looking at the statistics of civil suits ed to us yesterday, we find that the largest revenue derived from urce is from suits of value exceeding Rs. 500. The amount d from such suits is somthing like Rs. 38½ lakhs. I believe the ity of litigants involved in those suits are not raiyats. I also find s. 80 lakhs out of Rs. 100 lakhs is realised as court-fees on suits ie exceeding Rs. 100, or in other words, 80 per cent. of the revenue ived from non-raiyats generally. There may be raiyats involved se suits, but their number must be small. At any rate, these are nt suits. In this connection, may I appeal to the Hon'ble Finance er to leave the tax at the old figure on all suits of value not exceed- s. 100?

ulvi SHAH ABDUR RAUF: I am sorry I cannot with justice to nstituency record my vote of assent to this fresh item of taxation, rise known as the Court-fees (Amendment) Bill.

, there is no denying the fact that the Reformed Government was l with a deficit—a huge deficit—and just on the eve of the Reforms commendations of the Public Services Commission, so far as the

increment of the salaries of the highly-paid officials was concerned, were given effect to with imprudent haste entailing heavy expenditure. The authorities then knew perfectly well that they had no money in hand to meet the increased salary. I have heard of no master increase the salaries of his servants at a time when there was no money to pay them. No sensible man would do it. The Hon'ble Mr. P. C. Mitter told us yesterday in eloquent terms that neither he nor the Hon'ble Mr. Kerr was responsible for the increment of the salaries, or in other words, for this state of affairs, but that does not help us in the least. Can any one with a clear conscience contend that Government was justified in thus increasing the cost of administration, and mark you, whose salaries have been increased? Not of those who require it most to meet the ordinary necessities of life, but of those who are keeping up banks by their savings. To me, if anybody is benefited with this increased salary, it is the banks.

What a fine idea! A public servant drawing a sum of Rs. 300 per month woke up one fine morning to find himself master of Rs. 600. I am sure it took him some minutes to realise his position. The increment has been absurd and disproppportionate.

However, Sir, I do not grudge the salaries of public servants if the State can afford to pay them. But what justification is there to increase the cost of administration in the shape of salaries when there was no money in the exchequer? Government could have partly justified its position, had it done justice to thousands of our poor servants on small pittance by giving them substantial increment. But as it now stands, Government action cannot be justified. Government is surely to blame for this state of affairs and the remedy lies in the hands of Government to rectify the mistake. The Hon'ble Mr. P. C. Mitter asks what responsible Government can curtail the salaries of its servants which have been promised to them. I will answer this question by another—what responsible Government increased the salaries of its servants at a time of financial difficulties, unless it denies its responsibilities to the people for whom it is said to exist? However, no more controversy over it.

The only reasonable inference that can be drawn from Government action in this direction is that the authorities wanted to start the Reformed Government with taxation;—for what purpose? To meet the ordinary cost of administration, to fatten a few officials at the cost of the millions of our starving people. Reform and taxation must run hand in hand was perhaps the idea. Last year during the budget session we got scent of taxation. Since then an impartial observer must have seen what the feeling of the country has been. True, no taxation is in popular favour, but there are taxations and taxations and purposes and purposes for that taxation. Taxation to meet the ordinary cost of administration, which has been unnecessarily increased, which could easily have been postponed till the financial difficulties are over, is sure

to be condemned and condemned rightly, by popular feeling. Some of my esteemed friends, perhaps to solace their conscience, wanted the new revenue to be earmarked for philanthropic purposes. They have lost sight of the clear and unmistakable fact that the extra revenue will but go to meet the ordinary cost of administration.

A difficulty has been created—a financial difficulty. How to meet it is the question which it behoves the Government and the people to answer. People says, curtail the cost of administration and see what it comes to; and the Government almost takes an indifferent attitude and asks the people to pay. This is the situation—this is the true picture. This shakes the mutual good will and trust between the Government and the people. Could Government satisfy the people that it has done what lies in its power to curtail the cost of administration to a minmum limit, then and then only Government could legitimately claim taxes from the people. We have been asked to vote for taxation to meet the ordinary cost of administration, in the matter of reduction of which we have got no hand. Such is our position—such is our lot. However, Sir, if Government failed to do its part of the duty, that is no reason why we should fail to do our part to the State, consistent with our circumstances. I am not one of those who, in order to thwart the Government or to compel it to change a certain policy, want to throw out taxation Bills. We ought to be reasonable and dispassionate and survey the Bills on their own merits.

Yesterday the Entertainments Tax Bill was referred to a Select Committee by a majority of 63 votes, and one can perdict, almost with the accuracy of a prophet, that this Bill will be translated into an Act of this Council in the near future. That will bring some money to the exchequer. Assurances have been given that the Meston award, which has done us a great injustice, will be changed. I speak on the authority of no less responsible a personage than the Hon'ble Mr. P. C. Mitter, who is supposed to be in the secrets of the Government, that one can reasonably hope that the Meston award will be changed at a near future and Bengal's claim will not be lightly dealt with. That being the case, Government may very well stop here and not ask for another fresh taxation in the shape of the Bill under discussion. Some say that the Bill may be provisionally passed for two years. To me it seems that the deficit this year should be met with loans and not with further taxation, as with the expectant change of the Meston award and the forthcoming revenue from the Entertainments Bill and with possible retrenchments, one may reasonably hope that no further taxation will be required. Yet this is not the only ground on which I oppose this Bill. A good Government should administer justice as cheaply as possible. There is some justification, of course, for a Government to levy taxes in the shape of court-fees to meet the cost of the administration of justice. But certainly it is indefensible when Government wants to make a profit from this source to meet the cost of other branches of administration.

Further, increase in court-fees would impose burdens upon the poor agriculturists.

The Hon'ble Mr. Kerr told us yesterday that the agriculturists may save themselves from the operation of this Bill by making regular payments to their landlords. Conceding for a moment that this piece of advice is sound and to follow it is practicable, I ask if this advice is followed, how will it further the object of the Bill, for it is a self-evident truth that no litigation, no sale of court-fees, and consequently no revenue to the Government? If it is the object of the Government to save the poor agriculturists, let the present Bill be thrown out and a fresh Bill, if necessary, be introduced with requisite changes.

I must now observe that it is not practicable to follow this advice. Rent suits are started by landlords for two purposes, mainly to harass tenants who do not submit to illegal taxations and enhancements, and secondly, to realise the dues. Debtors, as a rule, are ruined because they cannot pay and they should not be further taxed, for it is the defendant debtors who will ultimately have to pay the costs. Furthermore, it will induce the landlords to indulge in litigation to teach a good lesson to their tenants who do not submit to enhancements or illegal taxations.

Last of all, the present political atmosphere is quite unsuited to tax the agriculturists. It may have undesirable effects and the object of the Bill may be frustrated.

Kumar SHIB SHEKHARESWAR RAY: I oppose the Court-fees Bill on the same political and constitutional grounds on which I opposed the Entertainments Tax. The few of us who are opposing these taxation Bills are fighting against odds, the weight of which we know full well. We are now pitched against an irremovable and irresponsible Executive. We know also the power in its hands the power of unlimited patronage. We know we only incur the odium of the Executive. We know also that we shall ever remain in the minority as long as the statutory principle of the party government does not come into being in India. Sir, of all the criticisms that have been levelled against dyarchy and the most demaging and casting the greatest ignomity on it, as a positively demoralising thing—is this irremovable character of the Executive. The only reward that those who oppose it can ever expect is what had been already said yesterday by a member of the Bengal Cabinet—"shameless betrayers of the country." That is all. "Shameless betrayers of the country"—to be sure. But who are they, pray? Those who welcomed the Reforms as inaugurating a new era of popular control but dare not face the people even from the steps of the Town Hall, or those who live and find their being from among the people? Those who only a few months back gave solemn assurance that no new taxes would be imposed for carrying on of the ordinary administration and now turn round and suggest that without new taxes the Government would be a wreck, or those who insist on cutting

the coat according to cloth, those who say that if you have no mon
why play the fop and have expensive valets? Sir, I ask again, w
are the " shameless betrayers of the country "? Those who have
the courage to resign and give a practical demonstration of their ser
of injustice received at the hands of the Government of India b
are eager to snatch as much as they can from the mouths of the poor,
those who entreat the House not to kill the hen that lays the gold
egg? Sir, those who fathered the policy leading to the Jallianwall
Bagh massacre, can they now say that they themselves are faithf
friends of the land and others " shameless betrayers "?

The DEPUTY-PRESIDENT: You must not refer to that, as it
not the subject-matter before the House.

Kumar SHIB SHEKHARESWAR RAY: It has been also said by
Minister that we are seeking only popularity. We make bold to s
that we actually do that. Has not that very sober member of t
Cabinet reiterated times without number that ours is and should be
popular system of government? Does he then mean by " popular
an abstraction, something unconnected with the " people "? S
they only can use the word " popular " as a term of abuse who ha
not the courage to stand and address even the smallest gathering of t
public outside the Council Chamber, as if " popularity " outsi
is a mean thing and " popularity " within barred doors, a lofty ide
for a statesman.

Sir, Maulvi Nasim Ali has said that no constructive scheme has be
brought forward to help the Government, and what could the Governme
do but take recourse to repression. To him the compass of the wor
always points towards repression. Conciliation has no place in h
vocabulary. If the people are clamouring for more rights, mo
privileges, greater freedom, stop that clamour with bits of lead. Th
is his ethics. May I ask him, if the Government does not approa
the people in a mood of conciliation, what can the people do? H
he any constructive scheme for the people?

Sir, during the last budget debate, we had insisted that the amou
of Rs. 86 lakhs payable to the Government of India be paid
12 annual instalments, as allowed by the Devolution Rules. But t
Hon'ble Mr. Kerr did not listen to us then. He juggled with the figu
and the origin of the Devolution Rules and decided on paying t
amount at once. If that sum had remained with us, we would not ha
been thus compelled to consider these taxation proposals now. Admin
tration would have gone on as usual till during the course of the next ye
we could have secured the much advertised reconsideration of the Mest
award. But the Hon'ble Mr. Kerr has precipitated us to this crisis, a
he now seeks our help to tide him over it. Had we any control ov
him then, that we should now help him on by taxing ourselves?

Sir, the Hon'ble Mr. Kerr says that he has had legal opinion on the point and his lawyers say that the certain effect of our refusal would be deadlock. Sir, we had had the test of infallibility of the Hon'ble Mr. Kerr's learned constitutional lawyer. Will the Hon'ble Member enlighten us as to whether this is the same learned source which had once advised him to place the Ministers' salary as non-voted item in the budget? Under section 72 E of the Government of India Act, the power has been conferred on the Governor to certify all Bills. No distinction has been made there between money Bills and other Bills. The only check on the Governor's power is that the measure affecting the transferred departments cannot be certified. Mr. Kerr says that these taxation Bills are intended both for the reserved and the tarnsferred departments. But Devolution Rule 30 clearly lays down that regarding proposal for taxation, the decision is to be arrived at either by the Governor and his Executive Councillors or the Governor and his Ministers, according as the proposal is for the reserved or the transferred departments. No taxation for a joint purpose was thus possible. But Mr. Kerr has mixed up the purposes, and the result is this much apprehended deadlock which is of Mr. Kerr's own doing, and he is now threatening that the effects of his own mistake would be felt by us if we refuse. Had he kept the two purposes separate, we could have after examining our Ministers' schemes accepted responsibility for the taxation benefiting their departments. And as we have no control over the policy of the reserved departments, we could have refused the responsibility for taxation benefiting reserved departments. In that case the Governor could certify the Bill without creating any deadlock in the administration. And our purpose, too, would have been served by taking the issue to Parliament without in any way affecting the administrative machinery. But Mr. Kerr's Bill is an encroachment on our constitutional rights, and we are asked to support him.

The Hon'ble Mr. Kerr has also said that the budget and its allotments are in our hands. But we all know how we can only reduce the demands. We have no hand either in initiating any scheme or augmenting any demand! I would only pray the House not to be deluded by imaginary powers but to know fully what they are and how little they are.

Maulvi YAKUINUDDIN AHMED: We have heard the speech preceding me about the unparliamentary language—the word "shameless" has been used, which ought not to have been used by the Hon'ble Minister. We have heard also the speech of my friend, Maulvi Rafi Uddin Ahmed, who is mightily afraid of the non-co-operators. He is afraid that he would be boycotted at his own home if he does not reject this Bill in the Council. I am afraid that is the motive which has worked in his mind and he ought not to be so craven-hearted as he has shown

himself to-day. I beg to submit that whether it is against the Devolution Rules which Kumar Shib Shekhareswar Ray has inveighed against, the broad fact is there is a deficit of Rs. 90 lakhs, and the question before the House now is, how to meet this deficit. It is said that the Bill, if given effect to, would tell on the poor people. My friend, Maulvi Rafi Uddin Ahmed, has said that Rs. 10 is the maximum of the rent suits. If that be his experience——

Maulvi RAFI UDDIN AHMED: I never said that.

Maulvi YAKUINUDDIN AHMED: You said that Rs. 2 was the general annual rental and Rs. 10 was the maximum. I sat near my friend and he said that the maximum amount of arrears in rent cases amounted to Rs. 10.

The Bill is going to be referred to Select Committee and that Committee and the Council shall consider what claim should be exempted in order that it may not be harrassing to the poor people. It has been proposed by some of my friends that a minimum of Rs. 1,000 should be exempted; some proposed a maximum of Rs. 500 and some one of Rs. 200, *i.e.*, the old rate of court-fees should be levied with regard to claims up to Rs. 100 or Rs. 500 or Rs. 1,000. I beg to submit that if Rs. 200 be the maximum of claim which should be exempted from the court-fees under the new Bill, I think it would meet the purpose. I think if we raise the exemption up to Rs. 500 or Rs. 1,000, the very object of the Bill will be defeated, and a plaintiff or a zamindar or a mahajan who is a defendant or a raiyat who is in arrears or against whom there is a claim of more than Rs. 200, that raiyat and that debtor must be a substantial man because a claim of Rs. 200 has been allowed to lie against him, and that is the reason why only the poor people should be exempted and not people of substance who are intended to be exempted from the operation of the new Act.

It has been said that the cost of justice will be increased. I beg to submit that in consideration of the fact that the pay of the judicial officers, Deputy Magistrates and Munsifs, has been increased, it is only just and proper that there should be an increase in the court-fees in their courts where such cases are entertained The Munsifs and the Deputy Magistrates are the people of Bengal, and there can be no reason why the Council should grudge an increase in their pay.

Then it has been said that if the new Court-fees Act be introduced, it would give a handle to the non-co-operators. I beg to submit that a challenge has been thrown to Government and if my friends are satisfied that people will not come to the courts to lay their claims, then there ought not to be any anxiety whatever on their part if there be an increase in the court-fees. It has been said that the people are with Mr. Gandhi. Why is it so? Because the people have an idea that Mr. Gandhi has taken compassion upon their poor circumstances, and strikes have occurred in the labour areas and in railways, as a

result of which there has been all-round increase in the wages of the labourers and of the railway people. They have their wages nearly doubled. Why is Mr. Gandhi so popular? Because he has taken the economic condition into consideration, and these people now find that rice and other foodstuffs are now selling at four times the price which used to prevail formerly. If that is so, then why should not there be an increase in the salaries of the officers of Bengal, who are the inhabitants of Bengal? It is said that people who used to get Rs. 400 or Rs. 300 are now getting Rs. 600 or Rs. 700, but the buying power of the rupee has deteriorated and a person with an income of Rs. 100 used to entertain in his house a large number of people; on the other hand, now even a gentleman earning Rs. 800 or Rs. 1,000 cannot entertain such a large number of people in his house. These are the reasons which ought to be taken into consideration with regard to these matters. I beg to submit that the increase has been a necessity and it is already an accomplished fact, and now if Mr. Gandhi or anyone would go and preach that there is no money in the hands of the employers and that therefore you should reduce your pay, no one will listen to it. Such are the circumstances and such is the way in which this problem ought to be looked to. In these circumstances, I think the Council ought to support the Court-fees Bill which is intended to meet the deficit which is staring us in the face. Of course, in order to save the poor people, claims up to Rs. 200 may be exempted from the operation of the new Court-fees Act.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): Yesterday I appealed and pleaded to the members of this House, asking them not to proceed in anger, to be guided by reason, to be guided by patriotism, and to do what was best for their province and country. I begin to-day with the same appeal, although I am sorry to say that this appeal of mine has been distorted, and one member has taken some words out from the context, distorted these words, and ascribed to me the statement that I called my opponents "shameless betrayers of the country." I most emphatically deny that I said any such thing. I place before the House a copy of the transcript of shorthand notes of what I said.

Kumar SHIB SHEKHARESWAR RAY: Several members heard it. If the Hon'ble Minister withdraws it, I have nothing to say.

The Hon'ble Mr. P. C. MITTER: I do not withdraw a single word of what I said. Here is the shorthand transcript. On the contrary you ought to apologise for what you said. I said this: "But I am sorry to say that most of them shamefully neglected their duty in the past when we fought against the injustice" (referring to the injustice done by the Meston award), and I repeat that charge again to-day. My charge is very different from what a certain member asserts. I said: "Did my friend, Babu Surendra Nath Mallik, whose patriotism is

undoubted, did my friend, Babu Kishori Mohan Chaudhuri whose earnestness is undoubted, did my friend, Dr. Jatindra Nath Moitra, whose desire to serve his country is great, ever address their constituencies and tell them to protest against this injustice? Then Dr. Jatindra Nath Moitra said: "Yes, we did," and I went on and said: "If Dr. Jatindra Nath Moitra did it, he must have done it in a very silent manner. We did not see any report in the newspapers with regard to his activities in this direction. Did my friends, whose patriotism I never for a moment doubt, get up any memorial to protest against this injustice to Bengal? Why exhaust all your energies and vocal power in mere destructive criticism? Why not reserve some for constructive movements? If you do that I hope and trust that when the time comes—and that time will come very soon—when the Meston award will be re-examined, let each one of us do our best for our country.

Let the financial injustice be remedied by our common efforts and then we shall start with a clean slate, if not with a surplus, certainly with our income and expenditure 'evenly balanced.'

Well, Sir, I again repeat it is unjust, it is uncharitable to distort a passage in the manner in which a certain member of this House has tried to do.

Rai RADHA CHARAN PAL Bahadur: I rise to a point of order. Was that distortion made openly in the Council?

The DEPUTY-PRESIDENT: It was made in this Council and I think the Rai Bahadur was not then present here.

Kumar SHIB SHEKHARESWAR RAY: He said it in the Council Chamber and several members heard it. If the Hon'ble Minister withdraws it, I shall be satisfied.

The Hon'ble Mr. P. C. MITTER: I do not withdraw a single word of what I said. I never used the words "shameless betrayers of the country." I have just read the portion from the transcript of my speech by the shorthand reporter. On the other hand, I think the other gentleman should withdraw his remark and apologise for what he said.

However, I may now proceed with my speech. If we examine the position to-day as a set of reasonable men, as I have no doubt we shall; then what do we find? We find that according to the proposals of the Hon'ble the Finance Member, we expect to get about Rs. 25 to Rs.30 lakhs from the amusements tax; we expect to get about Rs. 40 lakhs from general stamps; and we hope to get about Rs. 80 lakhs from court-fees; that is to say, we expect to get about Rs. 145 or Rs. 150 lakhs in all. If that be the position; and if this Council after anxious consideration ultimately comes to the conclusion that we should not have the Rs. 80 lakhs from court-fees, then it will lead to a deadlock, because our deficit is Rs. 90 lakhs, and the Hon'ble the Finance Member said we expect to get only Rs. 25 or 30 lakhs from the amusements tax and Rs. 40

lakhs or thereabouts from stamps; the total revenue from these two taxes would not go to make up the deficit. Then again, we have only referred the Entertainments Tax Bill to the Select Committee and various criticisms have been made with regard to the details. It may be necessary to modify the proposals contained in the Bill and finally we may not get more than Rs. 20 lakhs from this tax; and as for stamps, the Bill has not yet been introduced; but our estimate is Rs. 40 lakhs and it may come to even less. Therefore, if we want to have enough funds to carry on the administration—not to speak of the nation-building departments—then we must have some taxation on court-fees. Various suggestions have been made as to other possible sources of revenue; and I am thankful to the members for making these suggestions. But, as the Hon'ble the Finance Member has pointed out, it will take time to examine these suggestions. In the meantime, we must frame our budget for the next year and we must do something at once. Therefore, I trust the members of this Council will come to the conclusion that some taxes ought to be raised from court-fees, but I have every sympathy with those who have said that the poorer litigants should be exempted. But that is a matter for the Select Committee to consider, and there it may be possible to solve the difficulties so as to deal justly with the poor and the rich. It may be possible to exempt the poor litigants; or it may be possible to raise the rate of court-fee very slightly, say 10 or 15 per cent. in the case of the poor litigants and at a rate higher than that proposed for the rich litigants, but these are matters of detail. These arguments *ad misericordiam* ought not to appeal to this Council and induce it to throw out the Bill at this stage. Let us by all means sit together as a set of reasonable men in the Select Committee; let us have the report of the Select Committee and the House will again have the opportunity of examining the Bills in all details. It is unnecessary to press these points at this stage. Therefore, I appeal to the House to agree to the motion of the Hon'ble the Finance Member.

Another attack of a somewhat personal nature has been made against me to-day and also in the earlier stages of these taxation debates. The attack made by certain members was to the effect that I, at one time, as Secretary to a well-known public association, protested against the Meston award and that I then asserted that it was unjust that the province should be taxed for the ordinary administration. The attack made by certain other members was to the effect that I, as a member of the Government in July last, had, in the course of a speech, asserted that it was unjust that the province should be taxed for the ordinary administration. I stand by that position, and not only do I stand by it, but I am sure every member of the Government stands by that position. His Excellency, the Head of the Government, from the presidential chair in this Chamber, protested against the Meston award and the injustice to Bengal; and if our protests have gone in vain, are

we, as reasonable men, to sit idle? Are we, as reasonable men, to commit suicide, so to say? My answer is a most emphatic "No." We shall go on protesting, we shall leave no stone unturned to get the injustice remedied. I appeal to my friends to help the Government in its efforts and there, I hope, we are in concord. Let us do our best to have this injustice removed; and then we can repeal some of these taxation Bills; and even if we do not repeal them, at any rate we can take off the burden from the poor.

Now, there is another point, to which I should like to draw the attention of this Council with all the earnestness that I can command. We cannot expect our people to progress unless we, at any rate the middle classes and the richer classes, are prepared to tax ourselves for the benefit of the poor; and I maintain that all the taxation proposals are mainly for taxing the middle classes and the richer classes. Well, try for the poor as much as you like and you will have my whole-hearted support in your effort, and I am sure you will have the whole-hearted support of every member of the Government, but the middle classes and the richer classes must be alive to their responsibility. That was how the middle classes and the richer classes of England did their duty in the fifties and sixties. And that was how the Japanese did their duty to their country and in the course of 15 years transformed the country. Some of my countrymen are always fond of referring to Japan. I may point out what I believe is well known, that Japan got her new constitution in 1890. "At that time the wealth of the country was small." I am quoting from a well-known book by Dr. Murray—the story of the Nations series, Chapter XVI: "The administrative expenditure was already high and it was steadily growing, while the taxable capacity of the people was believed to have reached its utmost limit and there was no specie reserve." I would not burden the House with many quotations, but I would respectfully urge the members of this Council who are anxious to follow a constructive programme to read Chapters XVI and XVII of this book. At page 437 of this book, a table is given of the revenues of Japan as a result of taxation, and what do we find? In 1893 the total national revenue was 11 crores of yens (and one yen is roughly equivalent to 2 shillings), or about 18 to 20 crores of rupees; in 1903 it was 26 crores of yens, that is to say, the revenue was increased by taxation by about 2½ times; in 1913 it was 72 crores of yens and in 1919 it was over 80 crores of yens. That is to say, the taxes were raised by about 8 times, and with what result? The result was that industries improved; technical education became well-established; primary education became compulsory; Universities were established: That was on the domestic side. On the foreign side we all know what the result was. She won two great wars; she became one of the premier nations of the world and all these within 15 or 16 years. In 1890 she got her constitution and in 1905 she became one of the premier nations of the world. I would appeal to the responsible members of this Council to look ahead, and not to take

too narrow a view of things. Let those who can pay, willingly pay f the uplift of the nation as a whole; and if you do that, I am sure *swar* will be much nearer than many of those who think to the contra imagine. We cannot improve our people unless we can improve the condition, unless we can make them intellectually greater, unless w can make them healthier. Therefore, I appeal to the responsible men bers of this Council to pass the proposal of the Hon'ble the Finan Member; and if the proposals are passed, God willing, there will be surplus of Rs. 50 to 60 lakhs. Then we can launch a loan policy and th would mean a larger surplus. It may be possible for my hon'ble frien to my right (Sir Surendra Nath Banerjea) to raise, say, a sanitatio loan of Rs. 2 crores: that will mean putting aside only Rs. 18 lakhs year; it may be possible for me to put larger funds for primary educ tion, for vocational education in ordinary educational institutions an to devise a better system of secondary education and University educ tion. It is no good crying for these things without taking upon you selves the responsibility of finding the resources that are necessary Therefore, I appeal to the members of this House with all the earnestnes that I can command to pass this taxation Bill, and not to go into matte of detail and not to throw the Bill out at this stage.

Maulvi SHAH MUHAMMAD CHAUDHURI: From the speech o the Hon'ble Finance Member I find a deficit of Rs. 90 lakhs, out of whic Rs. 30 lakhs have been provided for by the Amusements Bill, leavin the balance deficit of Rs. 60 lakhs. Before we consent to the propose court-fees increment of 50 per cent., we must bear in mind that thi Bill affects a much larger section of the public than that affected by th Amusements Bill.

On the face of the Bill, it proposes to impose the proposed increase o those people who often go in for litigation—mahajans and zamindars I am speaking of the mufassal people, and these are generally taken t be well-to-do men, who may well be able to bear the burden. Bu this to a superficial observer only. In fact, on whom does the real burde fall?—he is the raiyat, peasant and the borrower—poor and famishe men, who cannot pay the rent and who flock to the door of the mahaja at the pinch of a hungry stomach—that the court will decree the increase cost of litigation. The zamindars and mahajans are replenished, bu one of the gulfs draining away the poor is widened up. Again, Sir when the question is between two poor men, the injury likely to b caused by the proposed increased scale is greater and more direct. Th door of justice will be practically shut up against them. Even the exist ing scale of court-fees has made justice really inaccessible to the poor The increased scale will make it prohibitive.

I think, Sir, it will not be out of place to point out that this Bil will give in the hands of certain people a very effective handle to turn on the machinery of non-co-operation. The increased cost of th British courts will be set against fact to face the cheap *chalishi* cour

of non-co-operators, and, Sir, it is not very unlikely that pecuniary considerations would induce the poor peasantry to look to that wrong side.

So I beg to propose that the Bill be so amended as to minimise the hardships likely to be caused to the poor raiyats, and suggest that no increment whatever be made in suits valuing up to Rs. 500, and that in the case of suits upwards of Rs. 500, the increment should not be more than 25 per cent.

Mr. HUSEYN SHAHEED SUHRAWARDY: At the outset, let me give a reply to those amphibious gentlemen who fight and kick and still support the proposals for taxation, that Government is wiling to give any assurance they desire that their views will have due consideration in the Select Committee, provided that they vote for the present motion, and these gentlemen might conserve their energy and their indignation and their concern for the poor raiyats for a more opportune moment.

After the fate of yesterday's debate, I am not hopeful that any good can come out of a debate in the Council, for opinions have been fashioned, moulded and crystallised in a far different and more persuasive atmosphere. But I may be permitted once again to plead the cause of the oppressed, and for this liberty I hope the Council, though hard-hearted, will forgive me.

The proposition that we have been enunciating that the rejection of a money Bill will force the Government to alter its repressive policy in a far more successful measure than all the possible resolutions to which the indignation of the members may lead them, is nothing new or startling—nothing so new or startling as to hear the gallant member for the Chamber of Commerce stating that this is a species of frightfulness that does not appeal to the gentle Britisher. For it is the Britisher—the Britisher in his own home fighting valiantly for political privileges who has taught us this method, which culminated in the bloodless revolution of 1688—the politically-minded Britisher not the merchant Britisher—and I dare say that if the true descendants of those great Britishers who fought the fight of freedom for the world still live, they will sympathise with us in our struggle for the vindication of the rights of the people, and not look upon us with contempt and deem us unworthy of the limited powers at our disposal. I have no fear that the British Parliament will sneer at our efforts at freedom, at our efforts to make the Government realise that their repressive policy is still obnoxious to us, for in spite of yesterday's vote I feel sure that the heart of the Council is still with the people. Far rather will the British people appreciate this as a dawn of political consciousness, than consider that we are unworthy of the powers at our disposal; and if the worst comes to the worst, far rather will I ask the members of the Council to face this extremely doubtful eventuality than jeopardise the Reforms by bringing the Council into contempt before the people. I feel sure we shall rise in the esteem of the

Government, in the confidence of the people, and we shall be able to show ten years later, or mayhap earlier, when the reckoning will be told, that we have sufficient political consciousness to know when to co-operate with the Government and to know when to censure it. We do not want to paralyse the Government or bring about revolution and anarchy. We simply crave a small boon that all of us desire. Let me put a simple proposition to those who talk in this wild strain. Suppose that the money Bill were rejected—an academic supposition, no doubt—and suppose that the Government did not alter its repressive policy and come again to the Council with the taxation proposals—do you think that on account of the money being not voted there will be a deadlock, and the Government of Bengal will pack up his belongings, and leave the provincial frontiers and have anarchy, etc., etc.? Still less do I understand those who talk largely and loudly about sanitation, indigenous industries and the like and accord support only on the basis that the money should be spent on these projects, and then vote for the proposals in spite of the Government being able to give them only airy assurance. But I am not in a position now to make further attempts, nor am I such a general, as a universally respected member of this House, distinguished for his acumen and level-headedness, who believes in husbanding his reserves till his army is decimated, and then in large veiled threats, like the members of a community we wot of, says, that if the Government refuses to withdraw the measures, *we-shall-see*. But I crave the liberty of the Council to make one last remark. I plead in the best interests of the Government and the people, for anyone can see the country gathering fresh impetus from fresh acts of violence and rushing headlong in embittered mood. And I plead not in anger, but humbly, because I consider it in the best interests of the country; and it is indeed regrettable that the Hon'ble Mr. P. C. Mitter should feel that we are doing so through motives other than these, and that it is necessary for him to remind us of our duty to the cause of justice and to the cause of country. It is a pity that the Government regards these criticisms in the light of obstruction. I am offering constructive criticism—the destruction of evil. The end of Government must always be the loyalty, the affection, the co-operation of the people; the aim of the Government must be always a polity based on such a broad basis. If we do not protest to the utmost in our power, if we do not succeed in reversing the policy of the Government, the country will make an attempt, and whether it succeeds or not, we shall see a sight of cruelty and repression, lawlessness and anarchy, which we cannot contemplate with equanimity.

Babu TANKANATH CHAUDHURI: I have been called upon to speak on this Bill at the fag-end of the day. We had a long discussion on the taxation Bills for the last few days. I would have been glad if I could have accorded the same support to this Bill as I could extend to the Amusements Tax Bill. Now, if we look at the reply given by the Hon'ble Mr. Kerr to a question on the 21st November, 1921, we find that it is

on account of increments given to the officers under the reserved departments that a difference of Rs. 88 lakhs 48 thousands has arisen. From the speech of the Hon'ble Mr. Kerr we find that there is a deficit of Rs. 90 lakhs next year. If we look to these two figures together, we find that the deficit next year will be nearly equal to the increment that is to be given to the officers under the reserved departments. Now, are we justified in voting for new taxation in order to meet this deficit? It is a very troublous time through which we are passing now and it would be very difficult for any member who supports these taxation Bills to face their constituencies again. We can support taxation only if we find that the money raised from taxation is used for the benefit of the people, but here we have not got anything to show to the people to that effect. I would suggest one thing. Nearly Rs. 48 lakhs will be spent in giving increments to the officers of the several Imperial, Provincial and Subordinate services. I would suggest to these officers that if at least for one year they would take these increments in the shape of Government bonds to be repayable after 20 years with interest, that would mitigate to some extent the burden on the people for the present. From the amusements tax we may expect a revenue of nearly Rs. 29 lakhs, and if we can get a generous loan from the Government officials up to the amount of Rs. 48 lakhs, the two figures togther would reach Rs. 77 lakhs and so there would only be a deficit of Rs. 13 lakhs, which we can easily cut off from the head "Public Works." Under this head the proposed expenditure next year is Rs. 114 lakhs, and if we can make some retrenchments, we would make up the whole deficit. Now I am going to suggest another thing. If we raise new taxes from court-fees, and if the amount raised from such tax be devoted for the improvement of sanitation and education of the country, we can tell the people: "You are getting these benefits, and for the benefits you are getting, you are being taxed." The Hon'ble Mr. P. C. Mitter said that Japan paid heavy taxes, but may I ask him whether they were paying such taxes only to improve the salary of their officials? Now I would refer to the merits of the Bill. If we look to the statement of civil suits given to us yesterday, we find that the increment from additional court-fees would be only Rs. 48 lakhs, and if we could omit suits of Rs. 100 in value, our income from that source would be Rs. 40 lakhs; and if we could devote that sum for the improvement of sanitation and primary and secondary education, that would make the Government more popular, and in this troublous time it is our bounden duty to see that Government becomes more popular every day.

I would not oppose the reference of the Bill to the Select Committee at this stage. I have thrown out my suggestion for the consideration of the Government officials, and I appeal to them that they should help in making the Government more popular. With these remarks, I do not oppose the reference of the Bill to the Select Committee now.

Mr. D. J. COHEN: I support this Bill generally. I take exception, however, to two clauses in it. The first is the enhancement of court-fees

from 8 annas to Re. 1 in Criminal Court applications. In my opinion, justice in criminal cases should be available to the poorest of us and should be as cheap as it should be expeditious. Already in the mufassal I am informed that many wrongs are put up with without seeking the help of the courts by the poor owing to the expenses that one has to incur in coming to court, and while an increase of 8 annas may not sound much to my colleagues here, I am sure it will work very hard on the poorer of us. There is another matter to which I take exception. That is this: The probate duty, as has been described in the Bill, will work very harshly on people living in the presidency towns. Here the Succession Certificate Act is not applicable, and it is not possible therefore for any person to take partial administration or representation of any estate. For example, a Hindu or a Muhammadan resident in Calcutta may or may not take out any representation of a deceased person under the Probate Administration Act, but if the estate has to receive any debt or any sum on a life insurance policy, or if the estate has any Government promissory note, he is compelled to take out probate or letters of administration, as the case may be, and is compelled to pay probate duty on all the assets belonging to the estate, which may include house property already in the possession of the heir, for which, if this Succession Certificate Act was applicable within the jurisdiction of the High Court, he would not have to pay any such duty. Therefore, in my opinion, if this Bill is passed, an amendment of the Succession Certificate Act would also be necessary, extending it to include the limits of the ordinary Original Civil Jurisdiction of the High Court.

[At this stage, the Council was adjourned for 15 minutes.]

After the adjournment.

Maulvi Md. ABDUL JUBBAR PAHLOWAN: I stand to enter my emphatic protest against the Court-fees (Amendment) Bill. My protest mainly stands on three grounds:—

(1) My first objection is that unless retrenchment is made in both the departments, taxation cannot be supported.

(2) To show constitutional disapproval against the policy adopted by Government in the name of law and order.

(3) Economic crisis of people.

About my first objection, I say that I cannot support any new taxation for the use of the present Government. The present Government is constituted in such a way that it cannot have the support of any right-thinking man, for taxation. Although it has changed the name, it is the same Government which existed before the reform. It has not been able to make any progress of the country; rather it has made the country poorer and that the whole administration a failure and insolvent.

I would surely have supported the taxation demanded if such condition would have been brought about by a chance or extraordinary cause. But it is nothing of the kind. The Government itself created the

situation. It increased the pay of some officials undemanded. At this servants of some departments urged for revision. Government then revised the salaries of all its servants, demanded and undemanded, beyond expectation and created the present situation. Almost all revisions of salaries were made after the proposal of reform and before inauguration of it. Now, judging the situation, one may say that it was an act of folly on the part of the Government to do anything that goes to make the reforms a failure. Whatever may be the case, it is sure that the paternal Government proved a great failure. When such is the condition, is it possible for any sane man to support taxation with a hope in heart to improve the country? Can any man of responsibility, specially any representative, whitewash or share that folly of the Government by approving its action or system by the way of approving taxation to feed the machinery of that Governmnt? Incapable of making its two ends meet without further taxation, can anyone hope that there can be any progress of the country unless that system is changed? Formerly justice was free of cost in India.

We demanded self-government because the Britishers who ruled us being foreign and new in the country, having no acquaintance with the mode and system of the Indian people, they began to rule India in their own way. By the rule of such machinery India lost all wealth and resources of her and the sons of Shasya Shalini India began to starve. Then rose the question of Indian national existence. And after the cry of more than 36 years our masters in England conferred this boon of reform on the poor and unfortunate people of India. However, India as a whole and Bengal as a province accepted that " boon " as small as it might be to meet their utter demand with a hope to make some reform in the administration; but, alas, as soon as the refom is inaugurated we find it quite unworkable. We hear of bed-rock deficit, no purse for nation building work, and all sources of income are being tried to take up for feeding of the old machinery, that is, " the pay of the governing body." Now, where is the hope of making any success of the reform? Does it not vanish away like a mystery? In the words " non-co-operator " or people " not contented with reform," will it not be like *Delli-ki-Laddu* if the policy be not changed now; I ask the Council to answer, when such is the condition, whether shall we take the responsibility of failure of reform on our shoulders or let the India Government and the British Parliament reconsider the situation or take the responsibility on their shoulders? Every one should remember that this reform is a conditional one; if we can show progress in the transferred subjects, the reserved will be conferred upon us as transferred. But can you do anything without money? Sources of income are going to be taken to oil the old machine? Now what is fair? Is it not better to show disapproval first than ultimately to be called as unworthy? If we pass the tax Bills, would it not mean that we approve the old machinery and like to build our so-called reform upon that

machinery? Is it not like the hope to build castle in the air? Is it possible to do any possible progress of the country, feeding all the resources to the old machinery? Do you like to be called unworthy at last? What should we do now? We should overthrow the Bill thus to show our disapproval of the present system which will subsequently impress upon the minds of the India Government and the British Parliament what is our real need, and if they really think good of us in heart, they will do the same which will meet our urgency. One may ask me if the British Parliament do not take any heed to our prayer, what will we do? My answer is, what will you do with the reform which yields no good to the country? This sort of constitutional disapproval has always been shown in every civilised country to gain political ends.

Apart from the question of reform and success, if I judge the question from an economic point of view, enhancement on court-fees cannot be tolerated, because (1) it will affect the poor class people; and (2) make the people unable to have justice.

SECRETARY to GOVERNMENT, JUDICIAL DEPARTMENT (Mr. H. P. Duval): Last night, Rai Mahendra Chandra Mitra Bahadur read out a number of statistics taken, I think, from the High Court's annual Administration reports on Civil Justice, to show that in recent years the profit derived from civil justice has been something like Rs. 78 lakhs a year on an average. I have looked up the reports and I think I ought to point out to the Council that the High Court have left out two rather important items in arriving at the profit which has been put down in the reports. The first item is the provision of any building for any court. The Public Works Department has to spend a considerable amount for the upkeep of the courts and as a judicial officer I wish they could spend a good deal more. This has not been set out and could not be set out by the High Court in the charges which they show against receipts which are received by the courts. The other item which should come into the account is the amount which has to be paid on behalf of pensions of civil court officers. I would therefore point out that while civil courts no doubt do bring in a certain amount of profit to Government, it is not nearly so much as my hon'ble friend the Rai Bahadur considers. Apart from the amounts of pensions and repairs of buildings, there was a loss of about Rs. 11 lakhs last year on account of the cost of Magistrates' courts in Bengal.

The next point that I would like to bring to the notice of the House is that Rai Jogendra Chunder Ghose Bahadur appears to be under a singular misapprehension as to the amount which it would cost him in court-fees if he has to bring a case in the Original Side of the High Court. He seems to think that if he pays a fee of Rs. 10 or so, that will be the sole charge that the court will levy on him for the hearing of a case. I think if Rai Jogendra Chunder Ghose Bahadur were to bring a

case of any value, he would find he would have to pay very considerable fees and in long-drawn-out cases much higher fees than he would have to pay in the case of a similar suit instituted in a mufassal court. Of course in the High Court the initial fee levied, as the Council was told in reply to a question during the November session, is less than that in a mufassal court. But in the High Court at different stages of the proceedings other fees have to be paid; for instance, when witnesses are summoned, when witnesses are heard, when witnesses are cross-examined and so on. In a suit of small value which takes a very short time, the fees charged in the Original Side of the High Court may be smaller than those charged in mufassal courts, but in long-drawn-out cases the cost is very much more than in mufassal courts.

There is one small point to which I wish to draw attention before I conclude. I understand that the solicitors of the High Court have recently had their taxed fees raised in certain items. I am also aware that, owing to the rise in prices, pleaders are demanding higher fees than they got before. Is it right that Government in these times, when the value of money has depreciated, should be the only body which is not to charge more than they would have charged eight or ten years ago?

Mr. SYED NASIM ALI: This taxation Bill has been opposed, firstly, on the ground that it will tell upon the poor people and, secondly, justice would be made more costly than what it is at present. If court-fees are increased, the poor may suffer, but those of my friends who have opposed it have forgotten to mention that the lawyers also would be taxed. There is a direct taxation upon the litigants and an indirect taxation upon the pleaders. Therefore, Sir, I think the opposition is being carried in the name of the poor, not by the poor alone but by some people whose pockets would also be touched, because if court-fees are increased, there is apprehension that litigation might decrease and lawyers might suffer. I am a lawyer, and I think those lawyers who think that in the interest of the country, in the interest of the province, we should make sacrifices, I think we, the lawyers, ought to make this sacrifice, and to this extent we chalk off half of our fees with which the poor may meet the increased court-fees.

Well, if the court-fees are increased by Rs. 3 or Rs. 4 in rent suits or by Rs. 10 in money suits, pleaders may consider their position if it really be a tax upon the poor. But let us analyse the position. The Court-fees Act has been passed since 1870, that is, about 50 years ago. Sir, everybody who has got any interest in this country has increased his demand on account of the fact that the money value of the rupee has diminished and that there is a substantial rise in the prices of food crops, but court-fees have continued to be the same. Lawyers' fees have also increased. I understand from the senior member of my bar that formerly the best lawyer was available for Rs. 16, but now in the same court and in the course of twenty years, the same kind of pleader is to be engaged for Rs. 200. If the poor people can jump from Rs. 16 to Rs. 200, they

can also jump from 6 to 10 per cent. in the matter of court-fees. The lawyers have increased their fees, but the people do not suffer. It is only a question of motives. When it comes to paying anything to Government, we shed crocodile tears and say that poor people will suffer. That is a psychology which I do not understand. As business men we have got to raise money and have got to follow the line of the least possible resistance. If any member of the Council suggests that there are other sources of revenue which can be safely tapped with the least possible objection and the least amount of suffering to the poor, certainly I can understand the position. To me it seems that since the Government have taken steps to increase the revenue on those matters which were either not taxed or taxed too low, they have taken the line of the least possible resistance.

Let us analyse the position. Suits are either decreed or dismissed. There are persons who enter into litigation for the purpose of litigation itself. With them the members of the Council have no sympathy. There are persons who enter into speculative litigation. I do not think members of the Council have any sympathy for them either. There are certain persons who cannot really pay court-fees and therefore it might be apprehended that they would be denied justice. Let them appear before the court as *in forma pauperis*. There is ample provision that justice will not be denied to them. If the court is satisfied that they really are too poor to pay court-fees, they are entitled to bring their cases as *in forma pauperis*.

There are persons who bring suits for the declaration of titles and recovery of possession. If the suit is dismissed, certainly the defender does not pay, and if the suit is decreed, the defendant must pay. There is ample provision for recovering the cost.

In the case of rent suits and money suits much might be said. In many cases, landlords are forced, at the end of three years before the expiration of the period of limitation, to bring certain rent suits and they are often decreed *ex-parte*. I do think the number of such *ex-parte* suits is many and that the valuation in many cases exceeds Rs. 500. Therefore a member has suggested some modification so far as rent suits are concerned. If any member makes a suggestion it might be considered in the Select Committee. That is the matter of detail. But I should think that if a litigant can pay 25 per cent. as damages when his rent is withheld for one year—if his rent for one year is Rs. 100, he has got to pay Rs. 125—he ought to be able to pay the additional court-fees. In this connection he has got to pay many other charges which are well known; something is paid to the peshkar, something to the peon, the process-server, etc.; over and above that, he has to pay something in the shape of gratification.

If the tenant does not mind to pay his rent for four years, what does actually happen? In such cases the defaulting tenure is sold because

he cannot pay for his holding. It is the same to him whether the decretal amount goes up to Rs. 6 or Rs. 7. The landlord buys up his holding and makes it *khas*. Therefore it is an imaginary grievance. They may be certain hard cases and the Select Committee might be well advised to make provision for such cases. It does not mean that we are to reject the Bill on principle. Let us accept the Bill on principle and refer it to a Select Committee, where it is up to every individual member to make suggestions so that it may not tell against the poor. But if the Bill is thrown out altogether, it is a position which I cannot understand.

Babu SURENDRA NATH MALLIK: I must thank my esteemed friend for the kind reference which he has made regarding myself. I must say that I do not undertake to reply to all that has been said by various members for fear of being unpleasant. I do not like to make any personal observation against any member; I was determined not to do that, but the excellent speech of Maulvi Nasim Ali has compelled me to reply. First of all, I could not follow his logic. It seemed to me to be "inspired logic," but apart from that, the one thing that struck me is this. I think I have a right to take that he said all that honestly. For the first time Maulvi Nasim Ali suggests that the lawyers who have spoken against the Bill have an indirect interest because their share of money is going to be cut off. That is, he has said, why these lawyers have made a protest. If we go to the imputation of motives, I might say that Maulvi Nasim Ali is alone in this idea, but there are many in this Council and hundreds and thousands outside it who think that the members having the aspiration of getting a Rai Bahadurship or Khan Bahadurship, or having sons who are candidates for Deputy-Magistrateship, are anxious to support a measure like this. It is well known. I say it straightaway. I never thought of saying these things, but this has been forced upon and I am bound to say this. Let him take care in future not to offend people for nothing. If he has any reason, let him give it; if not, any inspired abuse or logic like that would be absolutely of no avail. He says 20 years ago a senior pleader's charge was Rs. 16 and that now a senior pleader charges Rs. 200. He was not a member of the bar 20 years ago. He was in school then. I have been 26 years in this profession and I know that his statement is wholly incorrect.

Now I come to the observation of my esteemed friend, the Hon'ble Mr P. C. Mitter. He drew our attention to certain things in Japan. My esteemed friend forgets that we are not in Japan and the conditions are not the same. He might have been right in expressing his regret about the comment of a certain member who might have misquoted a portion of his speech. If there was injustice done to him by that member, then I on his behalf apologise to Mr. Mitter for it. But to return to the point of Japan, here the conditions are not the same; we are not in Japan; Japan has been taxing herself for her own good; we are taxing ourselves for a bureaucratic Government. That makes the whole

difference, which Mr. P. C. Mitter has in fact chosen to forget. I have not. The country has not. My friend says that if you are in a position to go on taxing yourselves right up to 800 per cent. in the course of the next 10 years, then you can expect *swaraj*. Go on grinding and *swaraj* will come nearer. it is a *swaraj* which my country cannot afford; it is a bureaucratic *swaraj*. Call back your dog, I do not want your charity. I want *swaraj* by indianising the administration. That is the *swaraj* I want. I do not want that *swaraj* which will take away the last drop of blood from ourselves.

As regards the Bill itself, I do not want to repeat all that I said the other day, because I find that there are people who support the Government in the matter of taxation in a manner which even embarrasses the Government. There are some of my friends who say something against repression, so that that may be reported in the papers, and then go straight on voting for the Government with a heart full of glee. I understand these things I do not, however, object as tricks of this kind are played for personal gains. However, it is a great pity that in a matter like this, in an important matter like this as taxation, we had not the opportunity of hearing Bengal's greatest son, Sir Surendra Nath Banerjea. I regret that very much. I expected him to give us light and guide us. I do mean to say again what I have said the other day, but I must oppose this Bill as I again consider it as a part of my duty and that on these grounds; the first because I still maintain, in spite of all that Mr. Kerr has said, that this imposition is unjustifiable, for this deficit is certainly not so serious as to justify us to rush into taxation again. Last year when we went to Simla on deputation I remember—and the Hon'ble Mr. Kerr and the Hon'ble Mr. P. C. Mitter must also remember—that we placed before the Government of India these facts. We said there that Rs. 213 lakhs was our deficit; of that we said we could reduce Rs. 83 lakhs by putting a stop to our building activities in the Public Works Department and some others. Therefore we told His Excellency the Viceroy and the Governor-General that our total deficit was Rs. 130 lakhs. The Hon'ble Mr. Hailey said that he did not accept it. He said our deficit was only Rs. 110½ lakhs. He disputed with my hon'ble friend over there the item of Rs. 19½ lakhs regarding the Dacca University, etc. That was the position. Between these two comes Rs. 120 lakhs and half of it practically was given by the Government of India in the shape of Rs. 63 lakhs, leaving Rs. 67 lakhs as our actual deficit which we have got to meet. We have been told by the Hon'ble Mr. Kerr that quite Rs. 60 lakhs might be carried on to the next year as the balance, and on his own showing you can have Rs. 40 lakhs out of it for your own purposes, thus leaving a balance and a deficit of Rs. 27 lakhs only. To meet this the amusement tax is going to fetch you Rs. 12 to Rs. 15 lakhs. Then why not wait till the day when the budget will be discussed here, demands made and disallowed. Why rush to

additional tax at once? Then, again, I am tempted to ask this question: Have we been offered any part of this Rs. 60 lakhs which we are told is going to be the surplus and stand us in good stead? His Excellency the Governor has said: "Do not expect anything out of this sum; very little can you have for your own expenses." Then why rush to taxation? Why harp on the argument that without this income the Government is going to be wrecked? Do not rush to anything. Wait and consider (there is yet time) that out of this large sum to be obtained by fresh taxations nothing will come to us for our own purposes of sanitation, education and industries. We would be left where we are. It is wanted only for the costly administration. Then why go on grinding and grinding our people "till *swaraj* comes."

The third reason why I oppose this Bill is this: Is there any promise of reduction in any of the recurring charges whatever? Is it proposed to reduce, let us take it, any items of expenditure on establishments of the Public Works Department? We may be told that the heavy expenditure is for the services (and there everything is absolutely reserved), do not touch it. Why make it an eyewash that we are going to reduce Rs. 83 lakhs by cutting down building activities. That is nothing. It is not a non-recurring charge. I understand that and I put that position before the House.

There is another reason. It will ultimately fall upon the poorest section of the people in spite of what Maulvi Nasim Ali might say. Well, why do not Government propose other forms of taxation, *e.g.*, the death-rate duty, income-tax on zamindari property? Is it because Government fear that in that case their sole adherents may turn round and join with those poor people who are grumbling under the taxes and whose representatives we are supposed to be here? The poor people must pay, so that the cost of Government may go up and up and *swaraj* may be nearer home. That is a reason why I oppose this Bill. My own impression is—and I take the sole responsibility upon myself—that this money is required also for the purpose of adding new jails and strengthening the police. You will see in the course of the next three months that there must come before you a demand for additional jails, not here in Calcutta, but at Kanchrapara and other places, for the purpose of accommodating at least 5,000 prisoners if not more. There must be a building, there must be furniture, and money must be found for these. Government do not say this, but they must have the money. Subsequently a demand will come before us and I think my esteemed friends will vote with the Government with alacrity, because they have come here to say "aye" to everything the Government propose. They must have jails, they must have more repression, otherwise it will wreck the Government. That is the idea. I am not one of those who have come for that. I must oppose it, as I understand this "to be my country's interest," which, as my esteemed friend, Mr. P. C. Mitter, has told us, ought to be the criterion. I oppose it, because I understand it to be my

duty. I am not going to support it by any means because it is against "the interest of my country". I know the reason why this tax is required. I know that there is very little deficit for which fresh taxation is necessary. On all these grounds I cannot but object to this new form of taxation.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): I did not want to take part in the debate at all, but a challenge has been thrown down, and although I am in the autumn of my life, I have never failed to accept a challenge, especially when it is of the direct kind. Mr. Surendra Nath Mallik has asked the question, "Why is Bengal's greatest leader silent? "Why does he not speak out?" In response to that appeal I desire to speak, and I hope and trust that Mr. Mallik, who calls himself my *chela*—in many matters he is my *chela* as he frankly acknowledges—will follow my advice and example in this connection.

I desire to associate myself with these proposals for taxation. I do so not only as a member of the Government, but also as a public man deeply interested in the welfare of my country, and in the success of the Reforms upon which the future of Bengal, nay, of India, largely depends. My friend, Mr. Mallik, has described malaria as the scourge of Bengal. In a private conversation which I had with him,—I hope he will allow me to refer to it in public——

Babu SURENDRA NATH MALLIK: Certainly.

The Hon'ble Sir SURENDRA NATH BANERJEA: He described the ravages of malaria in his own native town, beautiful Singur, with which I am personally acquainted. I listened to that tale of sorrow with the greatest interest and sympathy. I feel and we must feel that all of us who are sent here by our constituents are charged with one solemn duty —that of doing all we can to rescue this hapless province from the grip of malaria. That is a duty which we all must perform. However much we may try to disguise it, that is the mandate of our inarticulate constituents, that is the mandate of our conscience, that is the solemn duty which the sense of our obligations has imposed upon us. We shall not falter, and I am quite sure my friends here, those who are opposing the Bill and those who are supporting it, will stand on the same platform in a common endeavour to rid this province of malaria. I claim my friend, Mr. Surendra Nath Mallik, as my colleague in this matter. If malaria is to be grappled with, if malaria is to be eradicated, if its scope and magnitude is to be diminished, we must find money.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Is the Hon'ble Minister in order?

The Hon'ble Sir SURENDRA NATH BANERJEA: I must not be interrupted.

The DEPUTY-PRESIDENT: You must not interrupt him.

The Hon'ble Sir SURENDRA NATH BANERJEA: We must spend money, and this Council hold the purse strings of the nation. This Council must provide the ways and means. Now, Sir, I have prepared, with the aid of the Sanitary Engineer, a scheme of anti-malarial operations which, I hope, as soon as it is ready, to lay before the Council, extending over 1921—1931. It is a comprehensive scheme embracing the whole province, a scheme to be carried out through definite progressive stages. I require money for it. I require at least, to begin with, Rs. 2 crores. This will entail an annual expenditure of Rs. 18 lakhs for interest and sinking fund. I want this loan. I want to start a loan policy for this purpose. We cannot have a loan unless and until we have placed our financial position on a sound footing. Nobody would advance money as a loan to a bankrupt, be that bankrupt a Government or an individual. Therefore, the first essential, fundamental condition of a loan policy is that our revenue and expenditure must balance, and that we propose to do under the provisions of these taxation Bills. We want to place our financial position on a sound and satisfactory footing, and then go to the open market for a loan. Otherwise the investors will spurn at our demands. These taxation Bills provide about Rs. 150 lakhs, which will give us a surplus of Rs. 40 to Rs. 50 lakhs. Now let me analyse each of these Bills. This Bill is the crux of the whole situation. We expect to get Rs. 80 lakhs from this Bill alone, out of the Rs. 150 lakhs. Therefore, if you reject this Bill, you wreck the loan policy which we are so anxious to inaugurate; you paralyse the administration; you create a deadlock; and what will be the effect?—all your beneficent activities will be suspended. If there is a deadlock, there must be a dissolution. For six months there will be no Legislative Council, and what will happen then? For six months all your beneficent activities will be suspended, for six months your country men will die like rats in their thousands and tens of thousands without it being in your power to move a little finger to save them from this dreadful and appalling mortality, for six months you will not be able to add a single medical school or hospital in this province, for six months you will have done nothing to extend your water-supply. I ask hon'ble members, can they contemplate a prospect like this with anything like equanimity? Think of your country, think of your constituencies, think of your duty, the duty that is imposed upon you, and give your votes according to the biddings of your conscience and the dictates of what is right and proper. I shudder to reflect that my countrymen will be dying in their thousands and we should remain inactive and paralysed. I appeal with all the earnestness that I can command, not only as a member of the Government

but also as a public man, as one deeply interested in the welfare of his country, one who has spent 50 years of his lifetime in the service of his motherland which he has always adored and will adore till the end of his life. I ask, can any one reflect upon the situation with a light heart, with his eyes fixed upwards for approbation from that Divine Being who alone can give light and guidance.

Babu TANKANATH CHAUDHURI: I move that the question be now put.

The DEPUTY-PRESIDENT: I think the Hon'ble Member in charge of the Bill should be allowed to reply, and I call on him to speak.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. Kerr): In the debate on the Amusement Taxation Bill the great majority of the speakers recognised that a deficit did exist which it was necessary for this Council to deal with. To-day a certain number of the speakers have tried to get the Council to believe what they wish to believe, namely, that the alleged deficit does not exist, or that if it does exist, it is not a very serious matter after all. They seem to think that if like the ostrich they hide their heads in the sand, this deficit will disappear and all will go well. Again let me give the figures. On the basis of the best estimates that we can make at the present moment, as things stand, our expenditure next year will exceed our income by Rs. 130 lakhs. If we are given further sources of revenue, we think we shall be justified in drawing upon our balances to the extent of Rs. 40 lakhs, leaving us with a budget deficit next year of Rs. 90 lakhs. In these circumstances I was surprised to hear the suggestions of some members that we might rest content with the Rs. 30 lakhs we have got by the Amusement Tax Bill. I was surprised to hear a business man like Babu Amulya Dhone Addy say that there is no necessity for a surplus at all. He suggests that we should go into the open market and borrow money for anything that we cannot cover by the amusement tax. Surely the impracticability of this proposition must be evident to any member who has any experience of finance at all, or who without such experience reflects on the situation. As Sir Surendra Nath Banerjea has just said, the Court-fees Bill that we are now considering is expected to bring in Rs. 80 lakhs, while the Amusement Tax Bill should bring in about Rs. 30 lakhs, and our revision of the stamp duties should bring us in something like Rs. 40 lakhs. So it is obvious that if this Bill is thrown out, if we are left with the income from the amusement tax and stamp duty alone, we should not cover our deficit. We should have to say good-bye to all our hopes of inaugurating a loan policy, or of placing the transferred departments or any other department on a better footing than they are at the present moment. A suggestion has been made that this Bill might be acceptable, if it was

passed for one year only; but that restriction would prevent our inaugurating the loan policy from which we hope so much, because obviously the market would not be willing to give us money on any reasonable terms unless we could show a permanent source of income to meet interest and sinking fund charges. I do not wish to go further into this question of the necessity for taxation. I will only urge the Council to weigh carefully the figures that have been placed before it.

With regard to the other general remarks made to-day, there are only two new points, I think. Babu Rishindra Nath Sarkar made a suggestion, which I must say had not occurred to me before, that in view of the unjust manner, in which the Government of India are treating us, we should retain in our possession a certain portion of the sum which we collect for them on account of Customs and Income-tax. As I say, that suggestion had not occurred to me before. Thinking over it, I am not sure that I like it very much. I have no desire to spend the rest of the days of my life in jail for misappropriating public funds. Moreover there is an officer called the Accountant-General, who would very soon stop any little efforts of that kind on our part.

The second suggestion which I may notice is that of Babu Indu Bhushan Dutta. He said briefly, that the way to get over our deficit was to cut down the pay of officers of every service in the province. I can only say that an act of injustice of that kind would upset the public services and entirely prevent our getting any decent administrative work out of them. It is not the case, as Babu Indu Bhushan Dutta seemed to urge, that the increase of pay in recent years has been confined to Government servants. Mr. K. C. Rai Chaudhuri will support me when I say that the wages of labour have gone up to a great extent in India during the last 18 months, though they are still below the level at which he wishes to see them. We have been told that pleaders and other professsional men have raised their charges, and we know as a matter of fact, in our own daily lives, that we have to pay more for everything now than we had to four years ago. Now every extra rupee that we paid out goes into somebody else's pocket. So I entirely deny the statement that it is only Government servants who have had their pay increased during recent years. Increases of pay have been given by nearly every private concern also. Even the cultivators are getting more money for their crops. In the case of Government servants the increases of pay are notified in the Gazette; everybody knows the exact amount of the increment and the exact date on which it comes into force. In the case of private employés the increases are not generally made public and are often disguised by economic readjustments which are not apparent to the public. But it is certainly not the case that Government servants are the only members of the community who have had their pay raised on economic grounds, and we cannot deprive Government servants of the increase of pay given in recent years without

placing them in a most uncomfortable position as compared with other members of the community.

Kumar Shib Shekhareswar Ray raised the old question of the Rs. 86 lakhs which we paid to the Government of India on the provincial loan account. I would only refer anybody who wants to understand this problem, to the speech which I made last year in connection with the budget. This arrangement to repay this account was made before the present Government came into being. If we had suspended payment of this loan or spread it over a number of years, the Government of India would certainly not have allowed us to use it to cover our present deficit.

The Kumar has raised some constitutional points about which I do not propose to argue with him. If he has any spare afternoon at any time and wants a sporting event, let him bring his lawyer and I will bring my lawyer, and they can argue out these points between them, but I cannot take up the time of the Council to-day by arguing these points here. There can be no doubt, I think, to anybody who has read section 72E of the Government of India Act that His Excellency the Governor cannot certify a taxation Bill unless the taxation is specifically declared to be necessary for subjects connected with the reserved side of Government.

The Kumar has also suggested that we should have put up two sets of Bills in this Council, one giving an increase of an anna or an anna and a half to the reserved side of Government, the other giving a similar or corresponding increase to the transferred side. I do not say that would be impossible, but it would be a very clumsy way of going to work, and I think it would be an unnecessary method in view of the circumstances in which we are situated. We have got this deficit; it is not a deficit in any particular department; it is a deficit in the finances of Government as a whole and until we get rid of this deficit and get our finances squared, it is no use talking about the allocation of surplus funds to particular departments. Last night I said what I had to say on the subject of the allocation of surplus funds. I pointed out what His Excellency had said when he addressed the Council on the 21st of November. I pointed out that the allocation of funds would have to be made at a joint meeting of Members and Ministers of the Government, and that our proposals would then come before this Council. I said that in making the allocation, Government would certainly have regard to the views which have been expressed in this Council from time to time. The Kumar seems to think it a grievance that the Council will not have the first voice in the allocation of these surplus funds. But the Council, as I have said on more than one occasion, has precisely the same power with regard to the allocation of funds as Parliament has. It is for the Government to decide in the first place on the proposals which it will place before the Council, and it is for this Council to accept or reject the proposals. These are precisely the powers which the House of Common has.

It is now time to leave these general financial and constitutional question, but I will deal very briefly with the Bill, because the subject has been discussed threadbare by speakers on both sides. Two main objections have been taken to the principle of this Bill: firstly, that it is wrong to make profits out of litigation, and secondly, that the Bill will bear hardly on the poorer classes.

As regards the objection to making a profit out of litigation, which has been very strongly pressed by Rai Jogendra Chunder Ghose Bahadur, I suggest that the members of the profession which he adorns, are making a very much larger profit out of litigation than Government does itself under the present arrangements or than it will do under the proposed arrangements. As Mr. Duval has pointed out, the figures which have been quoted in this Council fail to take account altogether of many direct and indirect expenses connected with the civil and criminal administration of justice in this country. The Court-fees Act was passed in 1870; the present scale of fees was fixed more than 50 years ago; it is obvious that, in view of the changes in economic conditions, the rates which were settled as far back as 1870, can no longer on the same standard be considered adequate at the present time, and our proposals which we put before the Council do not exceed the 1870 limit by anything like the proportion in which present-day prices exceed the 1870 prices.

Then as regards the Bill being a tax on the poor, I mentioned in my opening speech how very anxious we were to avoid any actual hardship that we could possibly get round. The statement we have circulated shows that on suits not exceeding Rs. 10 the total additional taxation, which we shall get under our proposals, will amount to only Rs. 22,000; there were 101,000 suits in 1920 of this valuation, so that the average increase per suit will be less than one-fifth of a rupee, or less than 3 annas. That is not, I think, an exorbitant charge on anybody, but suggestions have been made to-day as to the possibility of differentiating rent suits from other suits and so on, and I can assure the Council that we shall look into that matter very carefully in the Select Committee. It is quite possible we may find a means of safeguarding the interest of the poor without sacrificing an undue amount of the revenue we desire to realise, by devising a sliding scale for rent suits and suits of that kind. As I told the Council yesterday, we shall do our very best to reduce hardship to a minimum, especially hardship to the poorer classes.

That, I think, finishes all the remarks that I need make on this Bill at the present stage. I would urge the Council to ponder carefully what I have said about the need for extra revenue and about our desire that our proposals shall not bear hardly on any class of the community. I would therefore ask the Council to allow the Bill to go to the Select Committee.

Mr. F. A. LARMOUR: I move that the question be now put.

The motion that the question be now put was put and agreed to.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I want a division.

The DEPUTY-PRESIDENT: I have already given my decision and you cannot now ask for a division.

The motion that the Bengal Court-fees Bill, 1922, be referred to a Select Committee consisting of the Hon'ble Mr. J. H. Kerr, the Hon'ble Mr. P. C. Mitter, Mr. H. E. Spry, Mr. H. P. Duval, Khan Bahadur Maulvi Emaduddin Ahmed, Mr. Syed Nasim Ali, Sir Asutosh Chaudhuri, Babu Kishori Mohan Chaudhuri, Rai Nibaran Chandra Das Gupta Bahadur, Babu Nitya Dhon Mukherjee, Colonel A. J. Pugh, Kumar Shib Shekhareswar Ray, Babu Surendra Nath Ray and Babu Annada Charan Dutta, with instructions to submit their report for presentation to the Council as soon as possible, was then put and a division taken with the following result:—

AYES.

Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Yakubuddin.
Ahmed, Mr. M.
Ali, Mr. Syed Nasim.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinas Chandra.
Basu, Babu Jatindra Nath.
Beadel, Mr. C. F.
Bhattacharji, Babu Hem Chandra.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Currie, Mr. W. C.
Das, Babu Bhismadev.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
DeLisle, Mr. J. A.
Dess, Rai Bahadur Pyari Lal.
Dutt, Rai Bahadur Dr. Haridhan.
Duval, Mr. H. P.
Farequi, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Gupta, Mr. J. N.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. C. T.
Karim, Maulvi Abdul.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prosad.
Khan, Babu Devendra Lal.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Larmour, Mr. F. A.
Law, Raja Reshee Case.
Mahtab, the Hon'ble Sir Bijay Chand, Maharajadhiraja Bahadur of Burdwan.
McKenzie, Mr. D. P.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. C.
Mukharji, Professor S. C.
Nakey, Mirza Muhammad Ali.
Pal, Rai Bahadur Radha Charan.
Poddar, Babu Keshoram.
Pugh, Colonel A. J.
Raheem, Mr. Abdur.
Rahim, the Hon'ble Sir Abd-ur-.
Ray Chaudhuri, Mr. Krishna Chandra.
Robinson, Major-General W. H. B.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Mr. J. E.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Sinha, Babu Surendra Narayan.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kisheri Mohan.

Chaudhuri, Rai Harendranath.
Dutt, Mr. Ajoy Chunder.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
James, Mr. R. H. L. Langford.
Roy, Babu Jogendra Nath.
Roy Chaudhuri, Babu Sailaja Nath.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Mukharji, Babu Satish Chandra.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Rauf, Maulvi Shah Abdur.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Mr. Huseyn Shaheed.

The Ayes being 74 and the Noes 28, the motion was carried.

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 25th January, 1922, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber, in the Town Hall, Calcutta, on Wednesday, the 25th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 110 nominated and elected members.

Starred Questions

(to which oral answers were given).

Howrah shooting affair.

***XI. Babu FANINDRALAL DE:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state when the results of the inquiry into the affair of the breaking up of a public meeting and the shooting that took place thereafter at Howrah on the 4th November, 1921, will be published?

(*b*) Will the Hon'ble the Member be pleased to state whether Mr. Larkin had any instructions to break up the meeting and whether he went to break it up under instructions from the Government or the District Magistrate, Howrah?

(*c*) Did the meeting differ in any way from the meetings previously held on the Howrah *maidan*?

(*d*) What special feature was there in that meeting which led to the attempt by Mr. Larkin to break it up?

(*e*) Is the Hon'ble the Member aware of the public discontent that has been caused by reason of the great delay in publishing the results of the inquiry into the Howrah incident?

(*f*) Are the Government considering the advisability of promptly dealing with questions in which charges against police are involved and of expediting the publication of the result of such cases, together with the action, if any, taken by the Government on them?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) The report of the magisterial inquiry was published together with the Political Department resolution No. 584 P., dated the 12th January, 1922, in the *Calcutta Gazette* of the 18th *idem*.

(*b*), (*c*) and (*d*) The member is referred to the published report from which it appears that Mr. Larkin did not attempt to break up the meeting, but endeavoured to induce the crowd to disperse after the meeting was over.

(*e*) No.

(*f*) Such cases are promptly dealt with, but publication of the result must be deferred pending the conclusion of any cases instituted in Court as a result of incidents of this nature. The criminal cases arising out of the Howrah incident have only recently been disposed of.

Alleged Gurkha outrage at Nilphamari (Rangpur).

***XII. Rai RADHA CHARAN PAL Bahadur:** (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether he is aware of the reported Gurkha outrage on the people assembled at Nilphamari Hât in the Rangpur district on the 28th December, 1921?

(*b*) If the answer to (*a*) is in the affirmative, has any inquiry been held into the said affair? If so, with what result?

(*c*) Will the Hon'ble the Member be pleased to lay on the table a statement detailing the circumstances leading to the shooting and wounding by *kukris* of unarmed people by the Gurkhas?

(*d*) Who was responsible for the order to open fire and to use *kukris*?

(*e*) Is it a fact that a pregnant woman was wounded?

(*f*) What is the number and nature of the casualties altogether?

(*g*) Was there any actual outbreak of violence?

(*h*) If not, why were the Gurkhas called in at all?

(*i*) What steps, if any, have been taken by the Government to punish the Gurkhas and others responsible for the outrage?

The Hon'ble Sir HENRY WHEELER: (*a*) to (*d*) and (*f*) to (*i*) The member is referred to the Government *communiqué* on the subject, a copy of which is laid on the table.

(*e*) So far as Government are aware it is not a fact.

Communiqué referred to in the reply to starred question No. XII.

GOVERNMENT OF BENGAL.

Political Department.

COMMUNIQUE.

Dated the 5th January, 1922.

As alarmist and grossly exaggerated accounts have appeared in the public press regarding an affray in which the police were concerned at Nilphamari, in the Rang-

pur district, the following facts, received from the District Magistrate, are published for general information:—

On the 28th December there were 32 armed police from Jalpaiguri under a jemadar and havildar present at Nilphamari, the force having been sent there in view of the disturbed state of the locality. It was intended to split up this detachment on the following day, and the local officers decided that before this was done the detachment should do a route march through Nilphamari on the afternoon of the 28th. They marched through the town and halted on the station road beyond the bazar. They then marched back along the main road through the bazar, and under the orders of a sub-inspector, halted in the bazar to await the arrival of the Sub-divisional Officer. An altercation occurred between one of the armed police and the up-country servant of a local gentleman, and each accused the other of abuse and slight assault. A crowd quickly collected, and began throwing stones, weights and other missiles at the police, and threatening them with *lathis*. In order to avoid trouble the jemadar in charge ordered his men to continue their march to the thana. They were followed by the crowd which increased in size and grew more and more menacing, even breaking the ranks of the police. First, one of the armed police and then two more loaded their rifles and fired in the air. The crowd halted and the police continued their march to the thana. Eight of the armed police were found by the Assistant Surgeon to be injured, and six of the public who were at some distance behind the crowd were slightly injured by slugs, while two more received severe, but not dangerous, incised wounds, probably caused by *kukris*. There is no evidence to show which individuals inflicted the latter wounds.

The District Officer, Mr. Fraser, made a prompt inquiry and examined witnesses including police, the persons wounded and people from the bazar. Two of the men who fired did so after being struck with a brick and a *lathi* respectively and after attempts to snatch away their arms.

The whole situation in the Rangpur district has for some time past given cause for serious apprehension. The "volunteers" have been actively aggressive; intimidation and boycott have been widespread and the police have been assaulted. The District Officer reports that "most of the volunteers have been recruited from the labouring classes and bad characters and are entirely out of the control of their leaders."

Immediately after this particular incident at Nilphamari attempts were made to represent it as a gratuitous attack by the police on unarmed people. The fact, on the other hand, was that the police were assaulted in the discharge of their duty by a riotous mob.

H. L. STEPHENSON,

Chief Secretary to the Government of Bengal

Resignation of police officers due to non-co-operation movement.

***XIII. Rai LALIT MOHAN SINGH ROY Bahadur:** Will the Hon'ble the Member in charge of the Department of Police be pleased to state how many constables, head constables and sub-inspectors of police have resigned their posts owing to non-co-operation?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): One assistant sub-inspector and 46 constables.

Unstarred Questions

(answers to which were laid on the table).

Tolly's "Nala."

93. Babu AMULYA DHONE ADDY: Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to state what steps, if any, have been taken for the improvement of the Tolly's *Nala*?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The Tolly's *Nala* has been partially canalized by building a sluice at Samukpota which has been in operation from October, 1921, and the results are being observed.

Babu AMULYA DHONE ADDY: Is it a fact that there is not a single drop of water in the portion of the Tolly's *Nala* in Goria?

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN: We have no information on that subject.

Union boards.

94. Babu TANKANATH CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the names of the districts in which union boards under the Bengal Village Self-Government Act have been established?

(*b*) Has it been reported whether any union boards in any of the districts have proved failures? If so, which of them?

(*c*) What is the rate at which assessment is made by union boards in the several districts?

(*d*) What is the amount of the contribution made by each district board to the union boards in the district?

(*e*) Are the Government in a position to say what amount the district boards of the districts, where union boards have not yet been established, would be willing to contribute to the union boards on their formation?

(*f*) Which of the following works have been entrusted to the union boards in the districts where such union boards are in existence:—

(*i*) medical relief,

(*ii*) sanitation,

(*iii*) water-supply,

(*iv*) primary education,

(*v*) village roads, and

(*vi*) other works of public utility?

(*g*) On what principle is the nomination to the union boards made by the Government?

(*h*) Is it a fact that the nominations to the union boards are made generally on the recommendations of the police, or that the police are generally consulted at the time of nominations?

(*i*) To what extent have the police officers been appointed as members of the union boards?

(*j*) Will the Hon'ble the Minister be pleased to state in which of the districts union benches under the Bengal Village Self-Government Act have been established?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea: (*a*) The member is referred to the reply given to clauses (*a*) and (*b*) of unstarred question No. 101 asked by Raja Maniloll Singh Roy at this meeting.

(*b*) Yes, Mongalkot Union Board in the Burdwan District and Amirabad and Char Sindur Union Boards in the Dacca District.

(*c*) A statement is laid on the table.

(*d*) The member is referred to the reply given to clause (*c*) of unstarred question No. 101 asked by Raja Maniloll Singh Roy at this meeting.

(*e*) The reply is in the negative.

(*f*) The member is referred to the reply given to clause (*d*) of unstarred question No. 101 asked by Raja Maniloll Singh Roy at this meeting.

(*g*) Nominations are made, where necessary, on the principle that localities and communities otherwise unrepresented should have representation on the board; where this is not necessary, persons who will make the most useful members are nominated. In some cases the best local men available are nominated.

(*h*) The reply is in the negative.

(*i*) None.

(*j*) Dacca and Tippera.

Statement referred to in the reply to clause (c) of unstarred ques No. 94.

Union Boards in the district of Burdwan.—No uniform rate is laid down. Ordinarily 1 to 1½ per cent. of income is the prevailing rate.

Union Boards in the district of Birbhum.—The old chaukidari tax *plus* an amount varying from 12·5 to 100 per cent. of the chaukidari tax.

Union Boards in the district of Midnapore.—In some places the rate was assessed according to the union boards' requirements, in some the assessment was not completed and in others it was 1 per cent. of income.

Union Boards in the district of Howrah.—There is no fixed rate of assessment but the assessment is made by each union board on its own standard.

Union Boards in the district of Hooghly.—There is no fixed rate of assessment but the assessment is made by each union board on its own standard.

Union Boards in the district of Dacca.—The rate is annas 6 to annas 8 per cent. per annum on annual income.

Union Boards in the district of Faridpur.—The rates generally vary from 10 per cent. to 50 per cent. over and above the minimum amount required to pay dafadars, chaukidars, etc.

Union Boards in the district of Tippera.—The old chaukidari tax continues.

Union Boards in the district of Noakhali.—The old chaukidari tax continues.

Research Tannery, Calcutta.

95. Rai MAHENDRA CHANDRA MITRA Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Agriculture and Industries be pleased to state the total amount spent up to date in purchasing, equipping and carrying on the work of the Calcutta Research Tannery and the results so far achieved?

(*b*) Will the Hon'ble the Minister be also pleased to state the number of young men of different classes who have been trained or are now undergoing training in the Research Tannery and the cost entailed by the Government in training each of them?

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): (*a*) The total amount spent up to date is Rs. 3,57,881-12-9. As regards the results so far achieved the member is referred to paragraphs 23-24 of the Administration Report of the Department of Industries, 1920, a copy of which is laid on the library table.

(*b*) Up to now only two apprentices have left the Tannery on the completion of their training. At present 16 apprentices are undergoing training. Of these 4 are paid apprentices, two drawing an allowance of Rs. 30 and two Rs. 20 each, per mensem, and the remaining 12 are unpaid apprentices. The posts are allotted to Hindus and Muhammadans equally. No details of cost incurred for each apprentice can be given as this is included in the recurring expenditure of the Tannery.

Kala-azar.

96. Rai MAHENDRA CHANDRA MITRA Bahadur: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what action has been taken to arrest the spread of kala-azar in Bengal and for its eradication?

The Hon'ble Sir SURENDRA NATH BANERJEA: A kala-azar survey was begun in 1919, and has now been carried out in Mymensingh, Dacca, Bakarganj, Tippera, Faridpur, Noakhali, Chittagong, Jalpaiguri and Darjeeling. A survey is in progress in the district of Malda; and as soon as it is completed it will be extended to the districts in the Burdwan Division. The duties of Dr. Sur, the officer in charge of the survey, are—

(*1*) to visit the dispensaries from which cases of kala-azar are reported and to examine those cases;

(*2*) to visit the villages from which the patients come in order to discover whether there are other cases;

(*3*) to visit and map out the prevalence of the disease in areas reported to be affected;

(*4*) to visit other suspected areas and examine them in the same way;

(*5*) to demonstrate to local dispensary officers the most recent methods of diagnosis and treatment; and

(*6*) to arrange as far as possible for measures of prevention.

In Tangail where there is a high rate of infection the District Board was urged to start a campaign against the disease on systematic lines. They have acted on this advice and arrangements have been made to start the campaign on the following lines:—

Six medical licentiates will be appointed by the District Board. Each of them will be posted to an existing dispensary and he will have to attend two other treatment centres opened at villages at a distance of about five miles from the dispensary. On this basis eighteen centres will benefit 900 to 1,000 villages comprising an area of about 450 square miles, which is equivalent to one-third of the whole of the subdivision. In addition to these eighteen centres, an epidemic doctor will be attached to the Tangail Hospital where at present a large number of kala-azar cases are being treated. Government are in correspondence with the District Board regarding the establishment of a laboratory for the microscopic examination of blood in suspected cases of kala-azar, and have inquired whether the Board can provide a building for it if Government provide the cost of its maintenance.

Moral and religious education in schools.

97. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) Will the Hon'ble the Minister in charge of the Department of Education

be pleased to state what action, if any, has been, or is proposed to be, taken on the letter of the Government of India in regard to the question of moral and religious education in schools?

(*b*) Has the attention of Government been drawn to a *communiqué* issued by the Government of Madras on the subject?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): (*a*) The reference is presumably to the letter of the Government of India, Department of Education, No. 437, dated the 19th March, 1921. No action has been taken on this letter, which is not of a mandatory character. The question of moral and religious education in schools has been under the consideration of Government for many years, and after receipt of the Government of India's letter No. 1257, dated 4th September, 1911, was fully examined by representative Committees in both Bengal and East Bengal. The findings of those committees showed such a divergence of views, not only between communities but also within communities, as to make the working out of a policy of action difficult, if not impossible. The divergences of opinion remain. The question has been brought before the Standing Committee, which is not satisfied that action can be profitably taken.

(*b*) No.

Resignation of constables owing to non-co-operation.

98. Babu JOGENDRA NATH ROY: Will the Hon'ble the Member in charge of the Police Department be pleased to state the number of constables in Calcutta and in the mufassal, that have resigned owing to the non-co-operation movement in Bengal?

The Hon'ble Sir HENRY WHEELER: The member is referred to the answer given to a starred question No. XIII asked at this meeting by Rai Lalit Mohan Singh Roy Bahadur.

Mechuabazar and other riots in Calcutta.

99. Babu JOGENDRA NATH ROY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) the number of cases of assault by the military, the civil guard and the police in Calcutta during the last two months, which have been brought to the notice of Government;

(*ii*) the number of cases which have been inquired into; and

(*iii*) the result of the inquiries referred to in (*ii*)?

(*b*) Are the Government considering the desirability of issuing a *communiqué* giving the causes and the results of the riot at Mecnuabazar?

The Hon'ble Sir HENRY WHEELER: (*a*) (*i*) Four cases of alleged assault were brought to the notice of Government.

(*ii*) All four were inquired into.

(*iii*) In no case was the charge of wanton assault substantiated.

(*b*) The matter is under consideration.

Cholera outbreak at Jhikergacha (Jessore).

100. Babu NALINI NATH ROY: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that there was an outbreak of cholera in Jhikergacha in the district of Jessore?

(*b*) What steps, if any, are the Government or public bodies taking to help the people?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) The Chairman of the District Board has reported that the affected villages were visited by the District Health Officer and a Sanitary Inspector who took steps to disinfect the suspected wells and advise the local people on anti-cholera measures. Leaflets and cholera pills were distributed to the local people. The local market was controlled and an epidemic doctor deputed with necessary instructions. The epidemic, which affected 24 villages at intervals, is said to be abating.

Union boards.

101. Raja MANILOLL SINGH ROY: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay on the table a statement showing—

(*a*) the names of the districts in the province, where union boards were first constituted, together with the constitution and the number of unions formed;

(*b*) the dates when the union boards were formed in all other districts, with the number of unions constituted in each;

(*c*) the names of district boards which have made over the local board roads to the union boards, showing against each such district board the mileage of such roads with the amount contributed for their maintenance, and the principle on which contributions, if any, were made;

(*d*) the nature of duties and works entrusted to the union boards by each of the district boards; and

(*e*) the amount of contributions made by each district board to the union boards where union boards have been constituted since the year 1920?

The Hon'ble Sir SURENDRA NATH BANERJEA: Statements giving the information are laid on the table.

Statements referred to in the reply given to unstarred question No. 101.

I—Clause (*a*).

Names of districts where Union Boards were first constituted (*i.e.*), in the year 1919-20.	Dates of such constitution.	Number of Unions formed.
Burdwan	27th October, 1919 ...	29
	31st October, 1919 ...	136
Dacca	5th January, 1920 ...	130
Hooghly	20th February, 1920 ...	48
	31st March, 1920 ...	77
Howrah	31st March, 1920 ..	82

II—Clause (*b*).

Other districts where Union Boards were formed later.	Dates when Union Boards were constituted.	Number of Unions constituted.
Midnapore	17th May, 1920 ...	168
	5th August, 1920 ...	59
Faridpur	25th May, 1920 ...	56
	16th March, 1921 ...	24
Birbhum	21st May, 1920 ...	172
Tippera	2nd June, 1920 ...	254
Bankura	4th August, 1920 ...	228
Noakhali	7th September, 1920 ...	37
Khulna	7th February, 1921 ...	79
Mymensingh	17th May, 1921 ...	164

III—Clause (*c*).

District Boards which have made over Local Board roads to Union Boards.	Mileage of such roads.	Amount contributed by District Boards for their maintenance.	Principle on which contributions are made.
		Rs.	
Burdwan ...	619	19,000	The entire sum that the District Board used to allot to Local Boards for the maintenance of their scheduled roads has been made over to Union Boards in proportion to the length of such roads within the area of each Union Board.
Hooghly ...	186	.....	Question of contribution has not yet been settled.
Howrah ...	135	4,061	Not reported.
Dacca ...	385	27,857	No definite principle is observed. The District Board will pay Rs. 190 to each Union Board from 1921-22.

IV—Clause (*d*).

District Board.	Nature of duties and works entrusted to Union Boards by District Boards.
Burdwan.	Administration and management of pounds, village roads, scheduled roads of local boards, wells and boards' primary schools.
Birbhum.	Administration of pounds, works of water-supply and medical relief in some cases.
Midnapore.	Administration of pounds and maintenance of dispensaries in some cases.
Hooghly.	Management of pounds, villege sanitation, water-supply, drainage and maintenance of roads.
Howrah.	Water-supply, medical relief and management of pounds.
Dacca.	Sanitation, water-supply, primary education, village roads and other works of public utility (except medical relief).

District Board.	Nature of duties and works entrusted to Union Boards by District Boards.
Faridpur.	Sanitation, water-supply, maintenance of village roads and other works of public utility (except medical relief).
Tippera.	Management of boards' primary schools and pounds.
Noakhali.	Maintenance of village roads, water-supply and drainage and management of primary education.

V—Clause (*e*).

District Board.	Amount of contribution made by each District Board to Union Boards where Union Boards have been constituted since 1920
Burdwan.	Rs. 47,259.
Birbhum.	The whole of pound receipts and Rs. 100 to each Union Board besides the price of forms.
Midnapore.	The District Board has resolved to pay Rs. 100 to each Union Board during 1921-22.
Hooghly.	Rs. 25,000 in 1920-21, and Rs. 50,000 in 1921-22 (sanctioned).
Howrah.	The District Board has proposed to grant to each Union Board Rs. 100 for maintenance of village roads and to give a grant for water-supply equal to the amount the Union Board raises for this purpose and to pay half the cost of the up-keep of a dispensary.
Dacca.	Rs. 27,857 during 1920-21.
Faridpur.	Rs. 800 to one Union Board, Rs. 400 each to three Union Boards and at the rate of Rs. 200 to the rest for 1921-22.

Kala-azar.

102. Raja MANILOLL SINGH ROY: Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state what action has since been taken to give effect to the resolution of Rai Mahendra Chandra Mitra Bahadur regarding the taking of immediate action to investigate the cause of the prevalence of kala-azar in every district in Bengal?

The Hon'ble Sir SURENDRA NATH BANERJEA: Since April, 1921, a kala-azar survey has been made in the Chittagong, Darjeeling and Jalpaiguri districts. The survey is now going on in the Malda district.

Diet expenses for patients in Calcutta Medical College and Campbell Hospitals.

103. Dr. HASSAN SUHRAWARDY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to say what is the usual allowance of diet expenses per head in the Medical College hospitals and the Campbell Medical School hospital for the following classes of patients, *viz.*:—

(*1*) Europeans;

(*2*) Eurasians or Anglo-Indians;

(*3*) Chinamen;

(*4*) Negroes and West Indians;

(*5*) Indian Christians; and

(*6*) Indian patients?

(*b*) Is it a fact that Anglo-Indians, West Indians, Chinamen and Negroes and also Indian Christian patients get the same allowance as Europeans and that the diet-expense allowed for an Indian patient is nearly half of what is allowed for the other class of patients?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) *Medical College Hospitals.*—Allotment of diet expenses per head for (*1*) Europeans, (*2*) Eurasians or Anglo-Indians, (*3*) Chinamen, (*4*) Negroes and West Indians, (*5*) Indian Christians is Re. 1 *per diem*.

Allotment of diet expenses per head for (*6*) Indian patients is eight annas *per diem*.

Campbell Hospital.—This hospital does not cater for Europeans, Anglo-Indians, Chinamen or Negroes. Indian Christians and Indian patients are treated on the same footing, and the allotment is seven annas *per diem* for each patient. When, on rare occasions, Europeans or Eurasians are admitted, they receive the same hospital diet. The prescribed diet is, in the case of all patients, supplemented by extras, when ordered by the Officer-in-charge of the Ward.

In the small-pox ward, however, all classes of people are admitted. There is no fixed scale, and diets are issued on daily requirements as ordered by the medical officer. As a general rule, all patients receive the same hospital diet, supplemented by extras, according to the medical officer's orders. Diet expenses are usually limited to an average of 8 annas a day for each patient. European diet charges come to about Re. 1 per head *per diem*, but it is not always possible to keep to these limits.

(*b*) *Medical College Hospitals.*—Yes, all patients who are accustomed to a European diet, obtain the same kind of food.

Campbell Hospital.—*Vide* (*a*) above.

Government Bills.

The Bengal Stamp (Amendment) Bill, 1921.

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Mr. Kerr) to introduce a Bill to amend the Indian Stamp Act, 1899, in its application to Bengal.

With the permission of the House, I propose to reserve my remarks on the Bill until I move the next resolution.

The motion was put and agreed to.

The Secretary then read the short title of the Bill to amend the Indian Stamp Act, 1899, in its application to Bengal.

Colonel A. J. PUGH: I rise to a point of order and beg to enquire whether this Government has power to amend an Act of the Indian Legislature.

The Hon'ble Mr. KERR: I think that the Hon'ble Member will see from the preamble to the Bill that we have obtained the previous sanction of the Governor-General.

Colonel A. J. PUGH: Previous sanction may have been obtained; but I fail to understand how, even with that sanction, we can do it.

The Hon'ble Mr. KERR: I do not follow the legal objection taken by Colonel Pugh. However, we will have it examined. But we are advised by our legal advisors that the measure is perfectly in order.

The Hon'ble Mr. KERR: I beg to move that the said Bill be referred to a Select Committee consisting of the Hon'ble Mr. P. C. Mitter, Mr. H. E. Spry, Mr. H. P. Duval, Mr. Abdur Raheem, Babu Jatindra Nath Basu, Babu Surendra Nath Mallik, Babu Indu Bhushan Dutta, Maulvi A. K. Fazl-ul-Haq, Rai Upendra Lal Ray Bahadur, Sir R. M. Watson-Smyth, Babu Amulya Dhone Addy, Raja Reshee Case Law, Mr. Tarit Bhusan Roy and myself, with instructions to submit our report for presentation to the Council as soon as possible.

This is the third and last of the series of taxation Bills which it has been my duty to lay before the Council. Rai Radha Charan Pal Bahadur has lamented that the two Bills, with which the Council has already dealt, were not placed before a Committee before they were put before the Council. He seems to think that every properly conducted Bill should be the child of a Committee or at any rate that if through any indiscretion Government gives birth to a Bill, a Committee should be called in as quickly as possible to regularise the proceeding. I have not the simple faith in committees in general that the Rai Bahadur has; but it will rejoice his heart to know that this Bill is a most respectable Bill, the offspring of a most respectable committee. As soon

as we took up this question of increasing stamp duties, it became apparent that any variations in the existing rates must affect numerous important legal and commercial interests; and we felt the need of expert advice before we could decide on our proposals. We accordingly appointed an expert committee to go through the schedule of the Indian Stamp Act, 1899, and advise us whether the revenue derived under the Act could be increased by approximately 50 per cent. The Committee included Sir R. M. Watson-Smyth, representing the Bengal Chamber of Commerce, Raja Reshee Case Law, representing the Bengal National Chamber of Commerce, Babu Jatindra Nath Basu, Mr. Hechle and Babu Kailash Chandra Bose, Government Pleader, Alipore, representing legal opinion of different kinds. The Committee went into the question very thoroughly and advised that on the whole a general increase of about 46 per cent. could safely be taken without serious injury to trade or to dealings in property. In the majority of cases, they proposed an increase of 50 per cent or over 50 per cent. but in regard to certain items they thought that it would not be safe to go so high. The most important of these items are the bond and release. Here, they considered that there should be no increase where the amount affected does not exceed Rs. 100, and an increase of only 25 per cent. for amounts between Rs. 100 and Rs. 500; for amounts in excess of Rs. 500, they thought an increase of 50 per cent. might safely be imposed. In the matter of bills of exchange and insurance policies, they pointed out that while they thought these instruments could sustain an increased duty of 50 per cent. they feared that the result of purely provincial legislation to this effect would be to divert transactions from Calcutta to the detriment both of trade and of revenue. They suggested an increase of duty of 25 per cent. but not without misgivings, for they realised that the danger of diverting trade, though reduced, would by no means be eliminated. The Government of Bengal after considering the whole case came to the conclusion that any enhancement on documents of these classes should be uniform throughout India, and we have accordingly moved the Government of India to undertake legislation on this subject. The only province of importance, which is concerned, is Bombay; and if the Government of Bombay are also in trouble, as they allege, over their financial settlement, we trust that they will agree to an enhancement in the case of these documents.

A difficulty has arisen in the case of documents for which unified stamps are used. The most important of these are acknowledgments, cheques, promissory notes and receipts. The Committee thought that an increase of 100 per cent. could safely be imposed in all these cases, except in the case of promissory notes, where they proposed to limit the enhancement to 25 per cent. The Government of India have, however, issued orders that no change should be made by provincial legislation regarding the stamp duty on documents on which unified stamps are used, and they have informed us that they are considering the

question of introducing an amending Bill covering these items or some of them in the Indian legislature. If that Bill is passed, it will presumably necessitate a reconsideration of the assignment made to us by the Government of India on account of unified stamps; a matter which, you, Sir, raised in this Council a few months ago. That, however, is a matter for future consideration, and does not affect our Bill. The Bill, as the Council will observe, is a highly technical measure and it will require careful consideration at the hands of the Select Committee. We hope, however, that the advice which we have received from the expert committee, which I have mentioned, has enabled us to put forward the Bill in a form which will present no great difficulties either to the Select Committee or to the Council. Non-judicial stamps are of course on an entirely different footing to court-fees. There can, I think, be no question as to the propriety of Government raising revenue out of non-judicial stamps. The existing rates have practically been unchanged since the original Stamp Act was passed in 1879, because the amending Act of 1899, which is now in force, was not designed to increase the revenue, but to clear up certain doubts and difficulties which had been experienced in working the original Act. I claim, therefore, that we are fully justified in enhancing the rates which are fixed so long as 40 years ago, if we can do so in a manner which will cause no serious injury to trade and commerce and to dealings with property. We believe that our Bill fulfils these conditions. It has been approved by an expert committee and by the Bengal Chamber of Commerce, but if it contains any defects, they can be removed in the Select Committee. I, therefore, ask the Council with some confidence to allow us to refer this Bill to a Select Committee.

Mr. BIJOY PROSAD SINGH ROY: I beg to congratulate the Hon'ble the Finance Member for the very able and tactful manner in which he has introduced the taxation Bills. The question of taxation is always unpleasant; even to a wealthy and prosperous nation, and it is more so to a poor nation like us. But the Hon'ble Mover, with his characteristic ability, and by his sincere solicitude not to impose much hardship on the community, has removed much of its unpleasantness and has succeeded in convincing us that an additional income is necessary to carry on the administration of the country. But along with other members of this House, I also believe that retrenchment is possible in the various departments of the Government, and I am of opinion that retrenchment should be effected wherever there is room for it. I frankly confess that I am unable to attach much importance to the expression "irreducible minimum" used by the Hon'ble the Finance Member. Every settled fact in this Government may be unsettled and every irreducible figure may be reduced if the Government desire, and if they really co-operate with the advocates of retrenchment. But I am not one of those who believe that retrenchment is the panacea of all evils; it may bring us some money, but

certainly not so much as we require. At the same time, I must say that it is the nation's wish that the money derived from taxation should be well spent—it should be spent on the moral and material advancement of the people and not on the ordinary administration. From His Excellency's speech in November last and that of the Hon'ble the Finance Member, it is perfectly evident that these taxations are required mainly to meet the charges of the ordinary administration and not to enable our Ministers to carry out the schemes which will save Bengal from ruin. A nation, however poor it may be, will not refuse to pay money if it derives some benefit from the sacrifice it is called upon to make, but no nation will be compelled to pay money for a long time by arguments based upon the rigidity of the Central Government or of the unalterable nature of the financial settlement arrived at on the Meston Committee's report. I am as much anxious as any member of the Government to see that the Reforms should succeed. So I must say that if the Government want to check non-co-operation, which is daily assuming a formidable strength and magnitude, and to counteract which thoughtless repression has been resorted to, they should be prepared to spend more money for the benefit of the people, and to change their repressive policy by following which they have only succeeded in converting thousands of my countrymen into non-co-operators. That will be, in my humble opinion, a very effective anti-non-co-operation propaganda. It is the callous attitude of the Government to the public opinion that has enabled Mahatma Gandhi and his party to form this anti-Government organisation. I also take this opportunity to ask Government what steps they propose to take to move the Central Government to help us with a more equitable share of financial allotments; so that I shall be in a position to tell my constituency that the present taxation Bills are, as His Excellency said, only temporary measures to meet the Government deficit and that they are doing their best to have more money from Delhi.

With these words I support the taxation proposals and I do so with the high hopes roused in my mind by the speech delivered by the Hon'ble Sir Surendra Nath Banerjea last evening in which he said that the taxations will enable the Government to raise a loan to carry out the anti-malarial and other beneficial schemes; I do not support the taxation proposals to enable the Government to strengthen the police or to build new jails to humiliate or molest my countrymen for offences which are either imaginary or often quite negligible.

Colonel A. J. PUGH: There are one or two points that I should like the Hon'ble the Finance Member to clear up before I am in a position to support the Bill. Firstly, I am in trouble in regard to the point whether he is entitled to bring in this legislation. If he will refer to the schedules to the Stamp Act, he will find that under Schedule I, the local Government is entitled to impose certain taxes: No. 8 is a stamp

duty other than duties on which the amount is fixed by the Indian legislature. We have the Indian Stamp Act that has been in force for a considerable number of years, and the amount of the stamp duty on all these items is fixed by the Indian legislature.

Then, under these circumstances, as far as Schedule I is concerned, it seems to be clear that the Hon'ble the Finance Member has no power to introduce this legislation, because the amount of the stamp duty has already been fixed. He will no doubt refer to the Government of India Act, section 80 A(*2*). This Act says—

> The local legislature of any province may, subject to the provisions of the subsection next following, repeal or alter as to that province any law made either before or after the commencement of this Act, by any authority in British India other than that local legislature.

Well, therefore, this Government has power to repeal or alter any law of the Government of India. I will stop here for a moment. I would suggest that in bringing in an amended Act of this sort, you are going to cause tremendous complications in dealing with the stamp duties throughout India. I will come to that particular point a little later. I will only now say that if you are entitled to impose this Act, it will be far better if you would do it by repealing the Indian Stamp Act so far as Bengal is concerned and then by bringing in a new Act. That, I suggest, is the first point and that is that you should repeal the Indian Stamp Act and then bring in fresh legislation.

The next point is that under section 80 A (*3*), the local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law—

(*a*) imposing or authorising the imposition of any new tax, unless the tax is a tax scheduled as exempted from this provision by rules made under this Act.

Now, the local Government may not make any law imposing or authorising the imposition of any new tax unless they obtain the consent of the Governmnent of India. Is this not a new tax? No, it is not a new tax at all. It is an old tax. Therefore, my suggestion with reference to that is that you cannot increase the duties payable under the new law. These are, therefore, my submissions with reference to the point whether the matter should be proceeded with and referred to a Select Committee. If you decide that you can proceed with it and refer it to the Select Committee, I should like to make one or two remarks as to whether it is possible to work the Act. I submit to the Council that an Act of this sort will cause inconvenience all round ("hear, hear"). There are many points of defect in the new Act, but there is no necessity to go through them all. Under the Government of India Act, a Collector anywhere in India has power to certify that a document is properly stamped. You may also get a document registered anywhere in India. What is to happen if a person who has got to pay a stamp duty here goes to Bombay to get a document stamped there relating

to something to be done in Calcutta or relating to any property in Calcutta. Now, under the present law, as it is, he is entitled to execute this document in Bombay and he is entitled to get it stamped in Bombay. He can get it registered in Bombay. Further than that, by going to the Collector of Bombay, he may pay five rupees and get a certificate that that document has been properly stamped. He then goes to get the document registered in Bombay, and the Registrar of Bombay acquaints the Registrar of Calcutta with the fact that such and such a document has been presented for registration there. The man has got a registered document with a certificate of the Collector of Bombay that it is properly stamped. What happens then? He then comes over to Calcutta say, to file a suit. He is then told that notwithstanding the certificate that he has got under the Act, which is perfectly good and which the Collector of Bombay was perfectly right in giving, the certificate that was given in Bombay, although correct for so long, is absolutely incorrect when you bring the document to Calcutta.

I submit that proposals of that sort cannot work, cannot be acted on. It will bring the whole thing down to absurdity. Take, for instance, the case of a transaction where five bighas of land on one side of the Barakar river and five bighas are on the other side of it. You are going to have a particular stamp duty for the land on one side of the river and another for the land on the other side of it. Of course, the answer may be that although the document is correctly stamped so far as Bombay is concerned, yet it only becomes incorrectly stamped when brought here. Then, take it that legal proceedings are contemplated to be taken, a person finds that if he institutes the proceedings in Bombay, he will not have to pay any additional duty, whereas if he institutes them in Calcutta, he will have to pay additional duty. Then section 17 of the Stamp Act, which it is not proposed to repeal or alter, says that a document must be stamped before or at the time of execution. You are not proposing to repeal or alter that section and yet you only provide under this Bill to stamp the documents once, without saying that you have got to stamp the document twice; you simply impose an additional duty, although under the Act you have got to stamp it once. Then apparently under the Act, if you execute a document in Bombay or anywhere outside the province, you cannot correctly stamp it if you want to.

Then there is another point. There is no power given here to the Collector of Bombay to receive this extra duty which the Government of Bengal wishes to impose. Until the document is brought here, it is perfectly correctly stamped, and it is only when it comes to Bengal that it is incorrectly stamped.

Then there are one or two points with reference to the Bill. I say that the Bill itself as drawn is needlessly confusing and with reference to that I notice, in this and several other Acts, that there seems to be a

desire on the part of some people in the Legislative Department to shirk their duty—

The Hon'ble Mr. KERR: May I raise to a point of order? Is the member in order in attacking persons who cannot defend themselves?

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I think Colonel A. J. Pugh should not make any such remarks.

Colonel A. J. PUGH: I do not want to attack anybody. I want to ask the Hon'ble the Finance Member why he did not take the trouble to perfect his Bill before he presented it before the Council. No doubt, it will be corrected when it goes to Select Committee, but why should the Select Committee take the trouble of redrafting the Bill. Section 19A (*m*) of the Bill lays down that the provisions contained in clause (*b*) of the proviso to sub-section (3) of section 32 shall, with the necessary modifications, apply to such instrument. What are the necessary modifications? Why should we have to take the trouble of finding out what are the necessary modifications. There is quite enough complexity without having to undertake the construction of sections like those. The same remarks apply to section 7. I will read it and if half the members of this House understand it, I shall be surprised. It runs—

> In sections 23A, 24 and 29, in the case of any instrument mentioned in those sections, and also mentioned in Schedule IA as chargeable with duty under that schedule, the description of such instrument shall, for the purposes of those sections, be the description contained in the article in Schedule IA, which corresponds to the article in Schedule I, referred to in section 23A, section 24 or section 29, as the case may be, in order to describe such instrument.

Therefore, in order to describe an instrument you have got to refer to Schedule IA, and you have got to compare Schedule IA with some other schedule and then you find out what is really meant. I submit, an ordinary man will hardly be able to construe this section, and I, as a lawyer, personally feel great difficulty in understanding what it means.

I do not want to go into the details of the schedule. There are only one or two points to which I should like to draw the Hon'ble the Finance Member's attention. Various items have been included in the schedule from which the stamp duty realised will be almost negligible. I do not know whether he can tell me how much stamp duty is likely to be realised from bottomry bonds? I have practised here for some time and I can say that bottomry bonds are very rare. There are several other items which are quite unnecessary. Then with regard to leases. I submit that leases are sufficiently stamped already. The Hon'ble the Finance Member probably thinks that any document relating to land should bear an increased stamp duty. I know perfectly well that there are many landlords and many tenants in Calcutta who accept leases under purely verbal arrangements. They trust one another, and another reason is that the stamp duty on leases is sufficiently high at present. Therefore, if you are going to increase the duty on leases you

will probably get less money than before. Then with regard to stamp duty on conveyances, I would refer to what the Hon'ble the Finance Member himself said when a day or two ago he spoke on these Bills. What he said was that if a purchaser of a property could pay Rs. 1,000 as stamp duty on his purchase, he must have purchased it for a lakh of rupees, and it seemed to him that the purchaser would not mind paying an additional Rs. 500 as stamp duty. That may be so, but what I beg to submit is that the Hon'ble Member has told us that the stamp duty will be increased by 50 per cent. As a matter of fact, however, the increase is 250 per cent. He has altogether omitted to take into consideration the fact that the stamp duty has already been raised from Rs. 1,000 to Rs. 3,000 under the Improvement Trust Act, and therefore what he proposes to do is to raise it from Rs. 1,000 to Rs. 3,500.

The Hon'ble Mr. KERR: Perhaps it will clear the air if I deal with the legal difficulty that Colonel Pugh has raised. If he will turn to the Devolution Rules on page 107 of the Council Manual, item No. 20, he will see there, among the list of provincial subjects, that the entry is—"Non-judicial stamps, subject to legislation by the Indian legislature." That is the classification of non-judicial stamps for the purpose of the Devolution Rules. They are provincial, subject to legislation by the Indian legislature. Then if he will turn to section 80A of the Government of India Act, clause (*3*), sub-clause (*f*), he will see that the local legislature of any province may not, without the previous sanction of the Governor-General, make or take into consideration any law regulating any provincial subject which has been declared by rules under the Act to be, either in whole or in part, subject to legislation by the Indian legislature. That is the position of non-judicial stamps; that is to say, the local legislature may, with the previous sanction of the Governor-General, legislate for the purpose of fixing the amount of non-judicial stamps. That I think completely answers the preliminary point raised by Colonel Pugh. As to the other points which have been raised by him I shall have something to say at the close of the debate.

Babu KISHORI MOHAN CHAUDHURI: I oppose the Bill. I am sorry that the speeches of the members who supported the Bills yesterday and the day before could not convince me to change my opinion. I do not say anything on the legal aspect of the thing, but I say again that the Government proposal is absurd and we cannot and should not support the taxation proposals in the way in which they have been brought before the Council. We are told at pages 4 and 5 of the printed speech of the Hon'ble Mr. Kerr that for this year we require Rs. 11 crores for our expenditure. Certainly he makes a mistake here. He has shown on page 3 that this year we require Rs. 1,083 lakhs for our expenditure and that including Rs. 63 lakhs of the Government of India contribution. He has made a mistake in this, and I pointed this out to Mr. Spry who told me that he did not include this Rs. 63 lakhs as that has

been paid this year. From what he says on pages 4 and 5, I take it that that is the normal expenditure. He shows we require Rs 6½ crores for establishment, Rs. 163 lakhs for contingencies and Rs. 3 crores for non-establishment charges, and he gives the details—Rs. 114 lakhs on account of Public Works, Rs. 65 lakhs on account of educational grants, Rs. 28 lakhs for Medical and Public Health and Rs. 24 lakhs for waterways and embankments, and he says that the balance Rs. 70 lakhs is made up mainly of the expenses of profit-earning departments like Forests and Jail Manufactures. I understand that it does not include Rs. 63 lakhs which we are required to pay to the Government of India after three years. If our normal requirement is Rs. 11 crores our income is estimated this year at Rs. 866 lakhs and next year Rs. 891 lakhs, that is, he hopes that next year there will be an increase of Rs. 25 lakhs. This year there has been a heavy decrease in our revenue and expenditure has been curtailed to a great extent and thus he is really able to manage with Rs. 10 crores and 20 lakhs though our normal requirement is Rs. 11 crores. Thus, we cannot expect to get more than Rs. 9 crores and we expect by all these taxation proposals to get a crore and 50 lakhs of rupees. If we utilise the whole of this sum, we will again be short by Rs. 50 lakhs, not to speak of the contribution to the Government of India. Even if our financial condition improves, I fail to understand how we can borrow next year with a clear deficit of Rs. 50 lakhs. Is it not a deception practised upon us? I cannot understand the real situation. I can understand the situation of the Hon'ble Mr. Kerr who is a paid Member of Government, but I cannot really understand our worthy Ministers. Last year, when we protested against the appropriation of heavy sums for sanitary and other measures, when we warned our Ministers not to divert this money, but to keep for nation-building departments, we were assured then that there would be fear of taxation, but this year we are told that money is required very urgently and we must pay the money and in the same breath we are told that we cannot borrow this year as there is a deficit of Rs. 90 lakhs and in this state of our finance nobody will trust us. How the position will improve, I fail to understand. I expected a definite reply on the point yesterday, but I was disappointed. I am not a financier. I may make a mistake. But if the Hon'ble Member can convince us by well-reasoned arguments, I will have nothing to say, and I will wait to hear what reply he has got to give to this question. It is really a deception to say that you need not be anxious, we would have the money by borrowing and then to say that you must raise money by taxation. I did not expect this from our worthy Ministers. To my mind, even these taxations will not improve our finance. It would of course have been quite a different thing if the money was required for one or two years, but that is not the idea. We are simply told that money is required and if we once commit the mistake by finding money by taxation we can never

expect to get any help from the Government of India afterwards who will naturally then say that you are in a position to manage your own affairs and if you require further money, raise it by taxation—your land tax is inadequate and so forth. The result will be further taxation.

Our position has been misunderstood in certain quarters, and it is being asked whether we are really non-co-operators. I assert that we are not non-co-operators, but you, by your action, are driving people to the non-co-operation camp inasmuch as this will lead people to have their disputes decided by arbitration courts. What would be the position if there is a further decrease as there has been this year in the receipts from Stamps and Excise?

I submit that it was a mistake on our part to accept the situation with a heavy deficit in the beginning. Lord Meston's Committee, I believe, was prepared to allow a reasonable surplus over our normal expenditure, but in the beginning there was a great hope that there would be a large cash balance which could be utilised and that within a few years some relief might be secured from the Government of India, and I think it is on this belief that our worthy Ministers held out hopes to us that we need not be afraid of new taxation; but scarcely a year has passed when we are asked by our Ministers that we must find money by taxation, otherwise how is it possible for them to drive away malaria from the country?

The other day I was told by Mr. Das that he heard in England that the Secretary of State was thinking of making another readjustment——

Mr. S. R. DAS: That was a private conversation.

Babu KISHORI MOHAN CHAUDHURI: I beg your pardon. What I say is: do not practise fraud or deception on us. You know full well that your contribution to the Government of India will not cease after three years and then you will have to find money again. We are warned by my friend, Sir Robert Watson-Smyth, that we must not displease the Government of India, they will laugh at us and they will deprive us of what they have given.

[Here the member having reached the time-limit had to conclude his remarks.]

Rai JOGENDRA CHUNDER GHOSE Bahadur: I have been a diligent student of the histories of all countries, but I have not yet come across a single instance in which the people have been taxed three times on three subjects on three successive days. I shall be told that you are being taxed by your own representatives—by your trusted leaders, the Hon'ble Ministers. I shall be told that these taxes are required for increased salaries and that they are required to fight the dread scourge of malaria. It is Divine Providence which asks you to

pay these taxes ungrudgingly. Do not be so unpatriotic, so disloyal, so sacrilegious as to object to the payment of these taxes. I should have been very glad to be on the side of our hon'ble Ministers and of those fellow-members who came from north and south, from east and west like those that came to the piping to the pied piper of Hammelin and I do hope they will meet with the same fate. I do desire that Government should remember the saying of St. Paul that things should be done with decency and proper decorum and not in a hurry. Now, I am afraid the Government of Bengal is not properly advised by its lawyers. The question raised by Colonel Pugh is not so easy of disposal. It raises the question of a great juristic importance. The Hon'ble Mr. Kerr was strictly right in what he said, but he did not see the larger issues involved. The question is this. There has been a devolution of the provinces. In the United States of America there are different stamp laws, different court-fee laws, but the document stamped properly in the Iowa State can be properly received as evidence in the State of New York, because the Central Government has legislated that it should be so. Until the Central Government here does legislate that a document properly stamped in Bombay should be received as properly stamped in Bengal, this Bill should not be passed. This is a question of jurisprudence which the Government must take into consideration. A little reading of law is sometimes necessary. Now, speaking on the merits of this Bill, it is very easily said "increase the stamp duty"? I do believe and indeed I have been so told that these three taxes have been introduced because Government did not dare to put a direct taxation upon the people. They thought it was the easiest way. The people would not be able to do without stamping documents or when going to the courts. Therefore, non-co-operation could be killed in this way. I say, this is not a straightforward course. I believe that this has been recommended by certain very astute solicitors and barristers. (A voice: And vakils?) No, never vakils. Look at this question? What does it mean? You know in the course of 100 years every property changes hands. Some gentlemen here—some Rajahs and Maharajas—consider that their properties will always remain in the hands of their children but they must pass hands. Therefore, it means that the Government takes away 3 per cent. of the entire property of the land of the rich as well as the poor. (A voice: Quite right.) Yes, but you must clearly understand this fact that your property would not always remain in your family, that 3 per cent. of the property will be taken away and 3 per cent. for every 25 years in mortgages and sales. It will be about 12 per cent. in 100 years. If you want to pay this tax, appreciate this fact and then you can vote, but do not vote like dumb, driven cattle. There are various difficulties in this Act. Schedules are so made as when looked on the face of it there seems to be an improvement on the old Act, but I have calculated and found that they are exactly where they were before, excepting that you say that you have made 50 per cent. increase everywhere.

So the difficulties and deficiencies of the drafting are many, but these may surely be removed by the Select Committee, but the main question remains—Should we have this Act and should we have this tax? Is it required for our purposes? Is it required for preventing malaria or improving salaries. Now, I am under no delusion whatsoever. We shall have no money either for medical relief or for drinking water or for primary schools or for technological colleges. We shall never have them, but we shall only have to pay taxes. Therefore, I strongly oppose this new tax and I do hope that it will be rejected.

SECRETARY to GOVERNMENT, FINANCE DEPARTMENT (Mr. H. E. Spry): I wish to deal with a few points raised by Colonel Pugh and Rai Jogendra Chunder Ghose Bahadur. It will, however, be realised, I hope, that I am not a lawyer nor am I responsible for the drafting of this Bill. It appears that both Colonel Pugh and the Rai Bahadur are in difficulty as to what is going to happen to a man who executes a document in Bombay, gets it stamped there, and brings it to Calcutta. Exactly what kind of document Colonel Pugh was thinking of, I do not know, but if Colonel Pugh will read this Bill, and I presume he has done so, he will find that in clause 4 certain additions are made to section 3 of the Act in respect of the following classes of documents only:—

The first class is—" every instrument, mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed in Bengal on or after the first day of April, 1922," that is to say, an instrument which has not been executed hitherto and is executed for the first time in this province. The second kind of document is described thus—" every instrument mentioned in Schedule IA as chargeable with duty under that Schedule, which, not having been previously executed by any person, is executed out of Bengal on or after the first day of April, 1922, and relates to any property situated, or to any matter or thing done or to be done in Bengal, and is received in Bengal." This second class comprises documents executed out of Bengal which relate to property situated in this province, and which are received in Bengal. Colonel Pugh said that he had some difficulty in following the drafting of the Bill. But I hope it will be clear from what I have said that we propose to impose additional duty only in regard to these two classes of documents.

Colonel A .J. PUGH: I had no difficulty in following clause 4.

Mr. H. E. SPRY: I am glad I have been able to carry Colonel Pugh with me as far as that clause is concerned. Rai Jogendra Chunder Ghose Bahadur made certain references to the position in America. I am not competent to go into the details of the American law and practice on this point, but I understand that the position there is this: when

an instrument is correctly stamped in one State it is taken as correctly stamped throughout the whole of America. But I am informed that the law does not enable a person to execute in one State a document relating to a property situated in another State in order to avoid a higher charge in the latter. What we want to do is not to penalise a man who goes to Bombay to execute a document. He may do so. All we want to do is to safeguard our interests in the case of a man who goes over the border of the province, say to Bihar and Orissa, where the stamp duty may be lower than in Bengal, in order to execute a document relating to property situated in Bengal. And we safeguard our interests to this extent that when that document is brought into Bengal, it will be liable to the higher duty proposed by this Bill. It seems to me that that is not going too far and that it will not introduce avoidable complications. There is nothing in this Bill to prevent a person from executing a document anywhere he pleases, but if it relates to property within this province, in order to secure ourselves from loss of revenue, it is provided that the Bengal duty shall be paid when the document is brought into Bengal. That is but right, and I do not think there are any grounds for the hardship that appears to be apprehended by Colonel Pugh and Rai Jogendra Chunder Ghose Bahadur.

Colonel Pugh found some difficulty in following clause 6 of the Bill, especially sub-clause (*m*) of the new section 19-A, which reads, " the provisions contained in clause (*b*) of the proviso to sub-section (*3*) of section 32 shall, with the necessary modifications, apply to such instrument, but the provisions contained in clause (*a*) of the said proviso shall not apply thereto. In regard to this Colonel Pugh accused the Hon'ble the Finance Member of not reading through the Bill carefully before bringing it before the Council. I can only say, in passing, that this Bill was not drafted primarily for lawyers, and it was assumed that those who would deal with it would be endowed with certain amount of common sense. I think if Colonel Pugh will turn to section 32 of the Act and apply his mind to it, he will find that there is no difficulty in understanding what these words mean. Section 32 deals with a document executed outside British India and brought into British India. In this clause reference is made to documents executed out of Bengal and brought in Bengal, and the only modification required is the substitution of the word " Bengal " for the words " British India."

There are one or two other points raised by Colonel Pugh which I would like to deal with before I resume my seat. Colonel Pugh referred to the Hon'ble Mr. Kerr's remark that if a man were buying property valued at one lakh of rupees on which he now has to pay a duty of Rs. 1,000, he would not object to paying an additional Rs. 500 by way of stamps. Colonel Pugh remarked that this might be so, but that it has no application to Calcutta where in addition to the one per cent. payable to Government, two per cent. on the value is also realized under the Improvement Trust Act.

The Bill does not propose to touch the amount payable to the Trust but only to increase the duty payable to Government by 50 per cent., and I put it to Colonel Pugh, as a matter of arithmetic, that an increase of 500 on 3,000 is a relatively smaller enhancement than an increase of 500 on 1,000, to which apparently he takes no exception.

As regards Bottomry bonds, to which reference was made, I believe few such bonds are executed in this province, but when increasing stamp duties generally, there seemed to be no reason for omitting this particular form of bond.

As regards clause 7 (new section 29-A), I cannot agree with Colonel Pugh that it is so badly worded that its meaning cannot be understood, but, if I may say so, I think that as it was read by Colonel Pugh, it was extremely difficult to follow. At same time, I freely admit that it is not very happily worded, and I am sure Colonel Pugh will agree that the drafting of a complicated law like the Stamp law is not an easy or a simple matter. These are matters that will be gone into by the Select Committee and I have no doubt the Select Committee will be able to suggest to Government a better wording of this clause.

As regards leases, a special reference will be found in the report of the Committee appointed to advise on this matter. As we have said, in our report, we have followed the English law as far as possible. It was pointed out to us that in long-term leases, a much smaller stamp duty is paid here than in England, and we felt justified in recommending the increased rates proposed in the Bill.

All the points raised by Colonel Pugh were carefully considered by the Committee, and the decision of Government on our recommendations was not arrived at hastily. Improvements will doubtless be effected in Select Committee, but I submit that there is nothing seriously wrong with the Bill as it has been presented to the Council.

Babu INDU BHUSHAN DUTTA: Though we have been badly defeated over the last two taxation Bills, I must confess, that I am pugnacious enough to get up to oppose this Bill also, on the same constitutional, political and financial grounds, and I shall go on opposing till I have a particle of voice left in my throat; because I feel that these taxations for meeting the ordinary cost of administration will slowly drive the country to ruin.

Though one of our Hon'ble Ministers has often said that he did not believe in taxation for Bengal, and though he has not taken the Council into his confidence as to the reasons for the change of his opinion, our veteran Ministers for Public Health yesterday eloquently supported the taxation Bills, because he asserted that out of this Rs. 1½ crores, he would get Rs. 19 lakhs a year, to meet the anti-malarial loan project of Rs. 2 crores. I do not know how the silver bullets, supplied by this Council, are going to kill this great ogre of malaria: but I suppose, it is not unknown that it is not the germ of malaria alone that is respon-

sible for all this havoc, but that the want of stamina in the half-starving population of Bengal is responsible for their failure to withstand its ravages. Germs of disease are common enough everywhere, but, if we have the requisite physical vigour, we can defy them. What is the Hon'ble Minister going to do to drive the chronic poverty of the people so as to enable them to withstand the disease? Will taxation help to give the people better and more ample food?

Then, again, why should his grand anti-malarial project necessitate a loan policy? Only Rs. 2 crores are needed. The Hon'ble Minister can get his Rs. 2 crores out of the Rs. 3 crores that the Government propose to raise by taxation during the next 2 years. Though I am opposing the taxation Bills, I will make this offer to the Hon'ble Minister; viz., if he will bring pressure to bear on the executive Government to make retrenchments and give him Rs. 2 crores in 2 years out of this taxation, I will not only support the Bill myself, but try to persuade members of our party to do the same. What right has the Hon'ble Minister or anybody else to tie the hands of the three next Councils, by a loan policy lasting over 10 years?

Then, the Hon'ble Mr. Kerr said yesterday that the increase of income of the Government servants was more apparent than real but that the others had also got an increase. Nearly 90 per cent. of the people of Bengal depend on agriculture; if the Hon'ble Member can prove by facts and figures, which are so easily obtainable in his department, that the income of these people have considerably increased during the last few years, I shall gladly support his financial policy.

We have heard a great deal about the bed-rock state of the financial condition of Bengal. But, Sir, is the Finance Member sure that no further retrenchments can be made? This Council passed a resolution that there should be two Executive Councillors only in Bengal. When it was announced that the Hon'ble Sir Henry Wheeler was going to leave this Government, the members of this Council naturally thought that his place would not be filled up. Has the Government done this? Has not the Government appointed another gentleman in his place? Is this the way to effect retrenchment? If this Council is strong enough, the budget expenditure may even come down from bed-rock to rock-bottom.

My reading of section 72E. of the Government of India Act told me that His Excellency the Governor had the power of vetoing these Bills, but now, we know that the decision of the Council is final. Let my brother councillors consider what a tremendous power and responsibility they have in their hands. Let them pause and consider before they increase the already heavy burden of the people. If they are convinced that absolutely no retrenchment can be made in the cost of the administration, if they are convinced that the post of Commissioners cannot be abolished, if they are convinced that the number of Executive Councillors cannot be reduced, if they are convinced that the

number of steam-launches in the River Police cannot be reduced, in short, if they are convinced that absolutely no retrenchment can be effected, let them support the Bill; I have no quarrel with them. But if they have an atom of belief that retrenchment might be effected, let them beware, and not commit the country to this reckless expenditure.

Rai RADHA CHARAN PAL Bahadur: I rise on this occasion to oppose this Bill and I will briefly give my reasons for the opposition which I have to offer to the proposals. In the first place, in my own personal experience as a member of this Legislature, I do not remember any occasion when such a hasty legislation has been introduced or attempted to be rushed through, I say, within less than 24 hours. I received this Bill only yesterday, and when I consulted the Legislative Secretary and asked him to explain the provisions of the Bill—which I must say are conundrums to me without the memorandum—he confessed that he was not in a position to explain the different clauses of the Bill to me.

The DEPUTY-PRESIDENT: That is not correct.

Rai RADHA CHARAN PAL Bahadur: I wanted to know what are the increases that are proposed to be effected by this Bill, and I was told that he could not give me that information. The memorandum was being printed, and he very kindly promised to supply me with it as soon as it was ready. We got this memorandum, and I ask you to say whether it is possible for any one, specially men of ordinary intelligence like ourselves, to understand the various clauses of the Bill at such a short notice. I deprecate this hasty legislation. I remember only one occasion when an Act was passed in such a great hurry—it was Lord Lytton's Vernacular Press Act. I deprecate this because it is referred to the reformed legislature. Then I understand that a committee was appointed, but now there is nothing of the sort.

The DEPUTY-PRESIDENT: The Bengal Stamp Amendment Bill, with the statement of objects and reasons, was posted to all members of this Council on the 20th of of this month.

Rai RADHA CHARAN PAL Bahadur: It is stated here in a fly-leaf that the Bill is not complete without the memorandum, and the memorandum would be circulated as soon as it was ready. The memorandum was not circulated till about 3-30 P.M. to-day. If I am incorrect, I shall be very ready to be corrected.

We are told that a committee was appointed to consider this measure and the Bill as drafted and laid before the Council is the product of this committee. I may ask—What was the objection to taking the House into confidence? Why was not the proposal for fresh taxation made here to tap a source of revenue and a committee appointed to go into the matter and submit definite proposals to the Council? I think it is the bureaucratic Government which have prepared the Bill. As Colonel Pugh has rightly observed, it is no wonder if several of the

non-official members, if not all of them, have failed to understand the various clauses of the Bill. I wonder whether all the Hon'ble Ministers understood the several clauses of the Bill. I have been a party to some taxation proposals in assenting to the introduction of some measures for providing additional funds to make up the deficit. Well, notwithstanding the difference of opinion in this Council on this matter I say that I voted for the introduction of two measures, but I made a stipulation when doing so that they should be in force for one year only just to help Government to adjust their finances and to put things in order.

I understand from the figures that were placed before us, that there was the irreducible minimum deficit of Rs. 90 lakhs. I listened with great interest to the speeches of the oppositionists in regard to the deficit, which has been so clearly illustrated by facts and figures by the Hon'ble Mr. Kerr. I do not want to go into these calculations, but I have listened to the speeches of Babu Indu Bhushan Dutta and Babu Surendra Nath Mallik, who have not been able to refute the facts and figures supplied by the Hon'ble Mr. Kerr. They propose retrenchment here, there and everywhere. The various standing committees have been charged with the duty of formulating retrenchment proposal; and the best thing to do is not to forestall their recommendations. And hence I say let us wait for a year, let us not wreck the Government but help them for a year, and let us concentrate ourselves on making retrenchments when Budget for grants come up next March and if we succeed in doing that then we shall repeal these measures.

Another thing that I remarked upon is this: that these proposals of taxation have been prepared and formulated, behind our backs, and we were not taken into confidence. If there had been a frank discussion in this Council, suggestions from various members as also the public would have been forthcoming. My friend the Hon'ble Mr. P. C. Mitter very rightly said that constructive criticisms and destructive criticisms are quite different things. I have made a constructive proposal (I do not say that it is a counsel of perfection) that we should tax agricultural incomes above Rs. 2,000, which is the amount on which income tax is paid. Please consider that proposal, which will affect only a limited number of rich and wealthy people. Why should we not consider such a proposal? Why put a halter round the necks of the poorer class of people? I submit that this matter has not been duly considered. I bow with reverence to the reference, which has been made by Kumar Shib Shekhareswar Ray to the name which I have the honour to bear, but I am not proposing any interference with the Permanent Settlement of Bengal. Let the Permanent Settlement stand on the adamantine rock, as it stands, but why should not the zamindars of Bengal pay taxes in order to meet the exigencies of the situation to a certain extent? I do not think I am untrue to the traditions that I bear.

I find that the same argument is repeated here on this occasion, and I should like to say a few words, on that, before I sit down, and that is that the proposal for taxation should be thrown out on account of the repressive policy of Government. If I say that I fully and wholeheartedly sympathise with those who denounce the repressive policy of Government, I may be said to be advertising myself while supporting the Government in the matter of taxation, as if I could not look at a thing from a different angle of vision. I do not think the Hon'ble Mr. Kerr is going to raise me to a higher pedestal than what I occupy. In these democratic days, I do not seek or need any favour, but I really think that it will be a short-sighted policy to wreck the entire fabric of Government for one single reason. There are various ways of attacking the Government; therefore, instead of wrecking the whole Government, we should concentrate our attention on what is responsible for these measures. I trust my friends will not misunderstand me.

Then about the Meston Committee. Here, again, we harp on the same subject. I am sure that during the next 12 months every endeavour should be made to right the wrong that has been done to this province. Am I to understand that before that is actually done we shall allow our house to crumble to pieces? It may be asked "Why do you oppose this Bill if you want the money to be supplied?" My answer is that I oppose it for these reasons. You want to make up the deficit of Rs. 90 lakhs. The Amusement Tax and the Court-fees Bill will, I hope, give you close upon Rs. 110 lakhs. I say to the Hon'ble Mr. Kerr—"rest content with that for the time being and give us an opportunity of examining the financial position of this province and also the budget which is coming up." We are prepared to help him to that extent to prevent deadlock. But if he wants any extra amount, as he certainly does, for financing any other object, that will be liable to misinterpretation. The absolutely minimum amount that he requires, in order to make up the deficit, we are prepared to give him for one year. I know that my colleagues, many of whom are zealous workers in our country's cause, would like to see that effective retrenchments, wherever possible, are made. There are various committees, in which many active and zealous members of this Council are members, and I hope they will use their pruning-knife effectively in order to effect retrenchment. Lastly, I may say that if they do not succeed in making a reduction in expenditure, they will come in for a good deal of odium. I am sure we shall get adequate support for our reasonable proposals from them.

I do not want to take up the time of the Council with any more observations. I may only say that with reference to Calcutta we have got to pay not only 1 per cent. but 2 per cent in addition on account of the revenue of the Improvement Trust. Mr. Spry with great ingenuity has said that Rs. 3,500 is not a very great increase; just in the same way the Government of India might say Rs. 4,000 is not a very great increase;

it is only Rs. 500, a proportionately small sum. I say that the greatest hardship will be inflicted upon the people if we increase the duty. In the case of mortgages, contract-deeds and other things, the increase amounts to 15 to 100 per cent. I do not know how far the ambition of our executive Government will yet go. This Bill will be the greatest blow on the people that one can imagine. I should therefore oppose this motion.

Babu JATINDRA NATH BASU: I understood Colonel Pugh to apprehend that this Council has no authority to legislate in a matter like this. The Hon'ble Mr. Kerr has already pointed out to the Council the provisions of the Government of India Act and of the Devolution Rules which give the local Council authority for this sort of legislation. We should also remember that this Bill could only be introduced into this Council with the sanction of the Government of India which alone could call into question the authority of the local Government.

With reference to the objection which Colonel Pugh urged that it would be very inconvenient if one province had one scale of stamp-fees and another province had another scale of stamp-fees. I will give you a concrete instance which will probably make the matter clear. A general power-of-attorney, for instance, has now to be stamped with Rs. 5 all over India. If, in Bengal, we raise the stamp-fee on a general power-of-attorney to Rs. 7-8 and Bombay continues the original Rs. 5 then, suppose an inhabitant of Bombay gives a power-of-attorney stamped with Rs. 5, when that power-of-attorney is used in the province of Bengal, it will not be valid unless it bears the stamp of Rs. 7-8. But the present Bill provides for a contingency like that. Even now we have powers-of-attorney coming to India from foreign countries. A power-of-attorney from England bears a sterling stamp and under the present law, as soon as it comes to India it has to be produced within a certain period of time before the local revenue authority and the Indian stamp has to be put on it in order to validate it in India. If a power-of-attorney is executed in Bombay the only thing that will have to be done will be to produce it before the local authority in this province for proper additional duty that has to be paid; it will then be stamped with the additional stamp and the power-of-attorney will be validated. I do not see that any inconvenience will arise on that account.

Another inconvenience to which Colonel Pugh has referred is that if there is a property partly in one province and partly in another, and a deed relating to that property is executed outside Bengal, then it will be difficult to ascertain as to what should be the duty that should be levied on that deed. That difficulty also exists under the present state of things. For instance, a man has some property in Calcutta and some in Midnapore. If he sells both the properties by one document, then in addition to the stamp duty under the stamp Act, an additional duty of

2 per cent under the Improvement Trust Act is levied. The difficulty is met by assessing the value of properties within each jurisdiction separately. For instance, the property in Midnapore is valued at Rs. 50,000 and the property in Calcutta at Rs. 1 lakh. The stamp duty on the Calcutta property is Rs. 3,000 and that on the Midnapore property Rs. 500; the revenue authority and the registering authority have no difficulty in assessing the stamp duty. That is what is every day done. I do not, therefore, see the inconvenience to which Colonel Pugh refers.

As regards a certain class of documents which are not in ordinary use like the bottomry bond being included in the present Bill there is no substantial objection to the increase because those documents are not in common use and any increase on them will not affect a large class of people and is not therefore objectionable.

With regard to leases, I cannot agree with Colonel Pugh that the rates on leases are excessive already. In fact, so far as Calcutta is concerned, the present law is taken advantage of and properties are practically sold in the name of leases. For instance, I want to buy a property. If I call it a sale, I find I have to pay 3 per cent; instead of that if I take a lease, say, for 999 years and pay a premium and a small rent, then I have to pay a percentage on the premium which is only 1 per cent. If the lease is for perpetuity and a small rent is provided for in the document, then I have to pay only on 10 years rent. Thereby, I avoid paying a considerable sum as stamp duty. The present Act lays down a sliding-scale and provides for the imposition of duties on leases for certain fixed periods.

As regards the grievance to which both Colonel Pugh and Rai Radha Charan Pal Bahadur have referred about stamps on documents relating to property in Calcutta, it refers to Calcutta only. But this Act will apply throughout the province. Rai Radha Charan Pal Bahadur knows that the Calcutta Improvement Trust has been in existence for nearly 10 years and that an increase of duty from 1 to 3 per cent. cannot have caused much grievance. So far, there has hardly been any expression of objection on the part of the public to the increase so effected.

As regards Rai Radha Charan Pal Bahadur's suggestion that the rate of increase is from 50 per cent. to 100 per cent., if we carefully look into the Bill we find that it is mostly 50 per cent. The increase of 100 per cent. is only with reference to small charges like one or two annas, and it cannot possibly hurt any one if the charges are raised from one anna to two annas.

With these observations, I support the reference of the Bill to the Select Committee.

Maulvi SHAH ABDUR RAUF: Already we have had two taxation Bills and these have been referred to the Select Committee in quick succession and will, in all probability, be translated into Acts of Council

very soon. We are faced with a third Bill of taxation and on the third day. Now the question naturally arises what this taxation is for. The answer is obvious. It is to run the ordinary administration of the country. Then the question arises—Who is responsible for this deficit? Some members of the Council have been crying themselves hoarse for the last few days saying that there has been a heavy increase of salaries for Government officers and that is the one of the causes of the present deficit and no answer has yet come from anybody to show that it is not. However, it is useless to inquire who is responsible. To meet the financial difficulty two remedies lie in our hands—(*i*) retrenchment and (*ii*) taxation. I say that we should try our best to see what lies in our power and find how we can reduce the expenditure of the administration. If we fail therein, if we come to a certain point from which we can go no further, then, and then only, Government will be justified to come to the people and ask them to pay further monies to run the ordinary administration of the country. Now, so far as retrenchment is concerned, I should like to say one thing.

In the beginning of the life of the Council, we had passed a resolution supported by a vast majority that the number of Executive Councillors should be reduced. That shows clearly that this Council is of opinion that retrenchment in the matter of administration is possible, but Government lent a deaf ear; so one is justified in saying that proper attention has not been given towards retrenchment and there is particularly the complaint that without devoting their best attention towards the question of retrenchment Government ask us to pay. In a poor country like India, already over-taxed, we have passed two taxation Bills which, as I have said before, are sure to be translated into Acts of Council very soon; which will certainly bring us some money. I am not opposing taxation as a whole, but my complaint is that Government does not come to us with a clean heart and clean hand and say: "look here, we have tried our best to reduce the expenditure, but we have been unsuccessful," I do not oppose the Bills on the grounds on which others have opposed, *viz.*, because of the Government's repressive policy. They mean to teach the Government a good lesson for their policy. I am not one of them. But my opinion is that we should rather wait for a year and not tax the people further. If there is still a deficit we might meet it by raising a loan. In the meantime I think it would be advisable if Government try their level best to retrench expenditure in every possible way.

With these words, I beg to oppose the Bill.

Rai MAHENDRA CHANDRA MITRA Bahadur: I beg to submit a few observations on this Bill. I may say at once that I oppose it for various reasons and I catalogue them to the Council. Much has been said on the merits of the two previous Bills and we have been told by the Hon'ble Mr. Kerr that there would be a halt after this. I fear there

will be no halt and taxation Bills will come up to the Council from time to time, but I am pleased to hear that there will be a halt with the Bill in question. The Indian Stamp Act was passed by the India Council and it would have been far better if that Council modified several sections of the Act, and amended them as they pleased; but the Government of Bengal, the framers of the Bill, with an eye to the increase of revenue, think it necessary to modify or amend the sections. There are unconscious movements in the human mind. If the object of the Bill be to increase the revenue of Government, the natural desire on the part of the framers of the Bill is to increase it as much as they like. That is the difficulty. So I suggest that it would have been far better if the Act had been amended by the Indian Legislature on the application of the Bengal Government. I consider that the revenue has been increased to a great degree. If you will examine the schedule you will find that the increase is very large.

Consequently if I were to press upon the attention of the Council that the increase under this Bill will be large, I think I am not wrong. Again, the question arises, you are increasing the rates just as you please; you are thinking that persons, who are to take leases, ought to pay high; you are drawing a distinction between a conveyance and a lease, and at the same time you are thinking that the conveyance charge ought to be tantamount to the lease charge. You are thinking that the charge of the counterpart of the debt ought to be the same as the charge of the lease. It is not necessary for me to criticise the Bill in detail, but I can convince the Council that the charges which have been specified in the Bill are very high. This raises a very important question as to the ability of the people to pay taxes. Your object merely is to raise revenue to meet the deficit. If this question had not been in the mind of the framers of the Bill, I am almost sure that things would not have come to this pass. It is this view which persuades me to call this Bill a hasty legislation. I would like this Bill passed by the Indian legislature. It should be passed by those who have no eye to fill up the deficit.

These are the views which prompted me to come to the Council to ask you to consider whether it would not be appropriate to postpone the consideration of the Bill to some future date. It will be said that money is required, and that is the reason the Bill should be passed. It is on that ground I object to the Bill; you ought to wait and consider several matters before the Bill is passed. You will excuse me if I say that if this Bill stands as it is, it will be a permanent encumbrance upon the people themselves; they have a voice and a right to object, and they have a right to object to us; therefore, it is highly necessary, when it will be a permanent encumbrance on the people, a permanent burden upon them, to consider why this Bill should be referred to a Select Committee. It is for these reasons that I oppose this Bill. It is not necessary for me to repeat what I said yesterday. The Bill may again come up for the consideration of the Council, but I strongly urge,

although legal objections have been raised, that the question be deferred.

SHAH SYED EMDADUL HAQ addressed the Council in vernacular. A certified copy of the English translation, as handed over to the Secretary by the member, is reproduced below :—

I come from a rural area whose condition I am well aware of, but the same has not reached the ears of the Hon'ble Members and the Ministers. In my opinion the condition of prison life is far better than that of rural life. In villages, people cannot afford to have even two meals a day or to have medical relief even when seriously ill, but the prisoners can have their daily rations, clothings and medical help provided for them, if the rules are strictly followed. The people whom members from rural areas represent are in a plighted condition of life. If additional taxation is imposed upon them it will only hasten their destruction. We shall, therefore, be ungrateful and irreligious if we become accomplices in a very dastardly deed, if we remain silent on such an occasion. It is more so in that our religion says, " Satan only refrains from speaking the truth." During the Muhammadan reign our Bengal used to be called and written—*Jonnotal Balad Bangala*, (Bengal is celestial Baikuntha). In no other provinces of India additional taxation has been required, but Bengal, which was originally a land full of blessings, has been found with a deficit to be met by additional taxation. I am afraid the example which Bengal is now setting before others will soon be followed in other provinces in India. I do not like to take up the valuable time of the House by dilating on this point as other members have already spoken elaborately on the matter. I have only to point out that although the poor villagers could have escaped from the grasp of the Court-fees Bill by moral elevation, there is no getting out from those of the Stamp Bill if it passes into law, because everybody, however low and humble, has to carry on some business for his existence and for that of his dependants.

It is anticipated that the taxation to be realised from the proposed Amusements and Court-fees laws will cover the present deficit and so it seems only desirable that we, the members of the House, should postpone the present Bill in the interests of the poor. If the taxation is unavoidable the tax should be realised from the people of substance, but so far as we can see, the poor will be much more affected than the rich. I am not afraid to say about zamindars as I am one of them. The rich certainly will be a little affected but this will do immense good to the poor as the saying goes " that misery which is limited to a few, but gives peace to many is not a misery but a blessing." The Permanent Settlement has fixed the revenue of Bengal, and if the present revenue is insufficient for her requirements and additional taxation is consequently decided upon, some means should be found out to fill in the exchequer by taxing carriages, motor-vehicles, *pucca* buildings, elephants, etc., which opulence alone can afford to maintain.

Lastly, I say I have every confidence that the Select Committee, if the Bill is committed to their care, will take into consideration not to increase taxation on simple and mortgage bonds which are generally executed by people in distress. Hand-notes are executed by the rich and not by the poor in general, and additional taxation in such matters will not affect the poor at large. Kabuliyats are generally executed by cultivators who, though exempt under the present law in some cases, but in reality not so, because the documents cover homesteads, tanks, etc. So documents of this nature executed generally by cultivators and the poor should not come under the purview of the Bill. I would appeal that if the Court-fees and Stamp proposals succeed, they should be temporary for a year or two and there should be provisions for taxing the rich and exempting the poor. I am afraid lest Assam, which is imitating Bengal in all respects, should do so in this matter of additional taxation, if the temporary nature of the prpoosals is not clearly defined in the Bill.

Sir ASUTOSH CHAUDHURI: The acceptance of this Bill requires serious consideration. I do not propose to go into matters which have been debated in this House for the last two or three days. I would only remind the Council that this is not a piece of provincial legislation, but the province has taken upon itself, under stress of circumstances, to legislate in regard to this matter. The Stamp Act is a notoriously difficult Act, a hasty amendment is sure to raise questions of difficulty which have not been thought over clearly. Difficult questions may arise in connection with some of the sections of that Act, but I am not going to detain the House with a detailed examination of those sections. I want to call the attention of the House specially to Calcutta with regard to a piece of legislation of this character. Calcutta has been hard hit by the Improvement Trust legislation in the matter of stamps and this will impose an additional burden on Calcutta. My belief is that the stamp revenue of Calcutta equals, if it does not exceed that of the rest of the province. Calcutta will be hard hit by this piece of legislation. So far as the other two Bills are concerned, *viz.*, the one on amusements, betting included, and the other on court-fees, litigation being considered a process of gambling by some people, things are of minor importance considering the question now raised by this Bill. If the Government does not want chaos and confusion it is for them to take steps, so that they may not come before the House again with demands for money without first endeavouring to cut down their expenditure. It is a well-known fact that so far as the administration of this country is concerned, it is very top-heavy and expenses must be cut down. Legislation of this character may serve our purpose for a year or two, but the question will arise time after time before this House. I am not going into questions of policy; these have been discussed at great length but I wish the House to consider the present draft Bill from a different standpoint, that is, that the Stamp Act is not a piece of provincial

legislation and whether the provinces ought to be allowed to interfere with it.

Babu SARAT CHANDRA JANAH: For the last several days, I have been following the debate on the new taxation Bills with the closest and keenest attention, and I have found that there is a great divergence of opinion as to the expediency or otherwise of the new Bills, apart, however, from the point of view of those who raised a note of dissent on account of political reasons. I refrained from making any observations as I wanted to know how the new taxation Bills would be received by the House.

From the very moment the new Reforms came in, there was a strong public criticism against the provisions, and it was said, by a very responsible section of the Indians, that the Reforms cannot succeed as it was too costly a game with little or no advantage to the people. It was distinctly said by some public men that new taxes must have to be imposed to meet the extraordinarily heavy cost of the Reforms. The administrative cost was greatly increased by the increase of pay of the civilians and necessarily of all other subordinates. This has resulted in a deficit. Though the position of Bengal has been peculiar in the readjustment of imperial and provincial revenues and though the Meston award has been unjust, it cannot be gainsaid that the present huge deficit is the direct outcome of a policy of purchasing the Reforms by silencing its most powerful opponents and critics, namely, the members of the Indian Civil Service. It has been said by some of the members that the present system of Government with all its paraphernalia is a legacy which we have got from our predecessors, and when we have elected to take the legacy, we cannot be allowed to say that we would not take the burden as well. But there is a great flaw in the argument that we have not been allowed to examine the financial position, and this Council has not been asked to suggest as to how the deficit is to be met, before the taxation Bills were introduced. We have not yet been in a position to examine any report of the Retrenchment Committee, and the new taxation Bills have come upon us like surprises.

However, as the matter stands, we find there is a large deficit, and we have been told that the Government will be paralysed and there will be a deadlock if money is not forthcoming. This deficit must be met either by retrenchment or new taxation.

The Hon'ble Finance Member has very forcibly said that Rs. 90 lakhs is our bed-rock deficit, that it cannot be curtailed by any juggling of figures, and that no further retrenchment is possible. The deficit can be met either by retrenchment or fresh taxation. We have been discussing whether taxation Bills should be introduced to meet the deficit, but we have not considered whether retrenchment is possible. This view has been discussed in the Council for the last two days, but the problem has not been examined from another standpoint, namely, whether new taxation is possible or permissible. The average income per year per

head of population was £33 in England, Rs. 27 in India in the year 1895, and Rs. 5,700 in England and Rs. 30 in India in the year 1915. The population in British India in round numbers is 22 crores, whilst the total imperial taxation in round numbers is Rs. 95 crores, or about Rs. 4-8-0 per head of population and the average annual income is Rs. 27; the percentage of taxation to annual income is 16½ per cent. The population of United Kingdom is about 4 crores, whilst the total imperial taxation is a little more than that of India, and comes to about Rs. 25 per head, and as the annual average income is Rs. 33, the percentage of taxation comes to about 6 per cent. Thus, as far as percentage is concerned, India is two and a half times worse off than England. Moreover, it is a well-known fact that the same percentage of tax to income, when levied on persons having good incomes, may be easily borne by them and may even not at all be felt by them, but when levied on persons having poor or small income, may be heavily felt by them. India therefore is considerably worse off than the ratio indicates.

It was urged by the Hon'ble Mr. Mitter, the Education Minister, that no country can improve unless there be taxation in the right direction, and he referred us to the case of Japan from 1896 onwards. Let us take our own figures in this respect. In the year 1849-50, the population in British India was about 15 crores, whilst the expenditure about Rs. 27 crores. In the year 1894-95, the population was about 22 crores, whilst the expenditure about Rs. 95 crores. The increase in population was about 50 per cent., whilst the increase in taxation was about 350 per cent. During the same period, the expenditure on Civil Administration rose from 6 to 14·3 *i.e.*, more than 240 per cent. The increase in taxation did not at all improve the conditions of the people. The prosperity of the people has not at all increased, nay, it is at a standstill, whilst the expenditure has grown by leaps and bounds. So it is not taxation alone, but the mode of taxation and the use to which the money is put accounts for everything.

It can be very clearly established, on a reference to actual figures, that the country has been taxed to the utmost. There is no room for further taxation, and it would be a matter of extreme hardship to the people if further taxation is imposed. We cannot accept the proposition that the deficit worked out is the irreducible minimum. I maintain, on the other hand, that fresh taxation is impossible and the deficit, therefore, must be made good by retrenchment. I would therefore ask the Council to seriously consider whether the deficit cannot be made good by judicious retrenchment.

As to the Bill under review, I think there will be great anomaly if an All-India Act is interfered with in the way it is sought to be done. Various complicated questions would arise. The proposed duty is in many cases in excess of 50 per cent. of the old rate, and I am afraid the nett result of the increased taxation will face us ultimately with a larger

deficit next year, owing to loss of revenue due to too heavy a taxation. I therefore oppose this Bill.

Mr. AJOY CHUNDER DUTT: It is not my intention to inflict a speech on the Council to-day. I said what I had to say day before yesterday, but I desire to ask a few questions relating to certain figures. Possibly, I have not understood them very correctly. I understand that the deficit balance in the next budget will be about Rs. 1 crore and 30 lakhs. This deficit will be met, I understand, from two sources, *viz.*, Rs. 40 lakhs out of the opening balance of Rs. 60 lakhs, and Rs. 90 lakhs from the proceeds of the new taxes. Therefore, I think I am right in saying that about Rs. 60 lakhs will be left over after the deficit has been met. This Rs. 60 lakhs, we do not know, how it is proposed to employ. I should like to know whether any portion of this Rs. 60 lakhs is to be devoted to the transferred subjects. My suggestion was, when I spoke day before yesterday, that the bulk of this money ought to be devoted to the transferred departments. But so far I do not think the Hon'ble the Finance Member has given us any assurance to that effect.

My next point is this. The deficit of Rs. 130 lakhs to my mind is not the real deficit. The proper deficit is Rs. 130 lakhs plus Rs. 85 lakhs. There will be a saving, I understand, of Rs. 85 lakhs under the head of retrenchments. This really will be nothing more than a temporary saving, which will be made by the stoppage of some works of the Public Works Department and of the Land Settlement Department. This saving will be made next year, but I question whether it will be possible to make a saving of Rs. 85 lakhs in the year 1923-24. That is the point. Can the Hon'ble the Finance Member assure us that a similar saving could be made in the year 1923-24, because otherwise the deficit that year would mean at least 130 lakhs plus another Rs. 85 or Rs. 90 lakhs, with the result that the entire proceeds of these new taxes would be devoured by the deficit? If we are assured that there will be a surplus every year, and that a good portion of this surplus will be devoted to transferred departments, these Bills may be accepted. As a matter of fact we know perfectly well that taxation is necessary. I do not object to the taxes so much as to the manner in which the proceeds of these taxes are to be employed. It was the clear duty of Government to have made every effort to upset the award of the Meston Committee before resorting to taxation. After equalizing revenue and expenditure in that way, we could have imposed these very taxes for the purpose of financing the nation-building departments. The success of the Reforms Scheme means the success of the nation-building departments. If 10 years hence we are not in a position to show that there has been any improvement in the condition of the people, shall we be able to say that the Reforms have been a success? I think not. We are spending a good deal of money, and unless this expenditure is followed by some improvement in the condition of the people, I frankly

confess that this expenditure is not justified. That is all that I wish to add to what I said day before yesterday.

Babu NITYA DHON MUKHERJEE: There is absolutely no doubt as many of the speakers have been saying for the last three days that the administration is top-heavy and the retrenchment is necessary. We have been hearing for the last three days repetition of the same argument only in different language without any practical suggestions whatsoever regarding the retrenchments to be made except those made by Babu Surendra Nath Mallik. None of the members of this Council has stated anything indicating the line on which to proceed in the matter of retrenchment. We have been hearing only the same thing in different tones and in different languages, either mild or strong. But to-day there is a different feature in the arguments of the members. Many of my friends who on the previous occasion began by sympathising with the poor raiyats, but for the sake of administration afterwards agreed to support the Bill, to-day began by opposing and ended by opposing, and who are they? They are not the representatives of the poor raiyats, nor are they ordinary poor men but they are extraordinary rich people of Calcutta, and that is the reason of this opposition. We all know that during the last few years how the value of the landed property in Calcutta has increased: we all know how many properties have changed hands. We all know what a large sum of money has been made by purchasing and selling lands by so many people, and the representatives of these men have come forward to oppose the Bill. If the Stamp Act is passed, who will have to pay? The rich purchasers of property, and, therefore, all these persons have combined to see that this is not passed. Their attitude seems to be like this: let the Amusements Tax Bill be passed; we are very sorry for the poor, but for the sake of administration we must pass it; for the same reason let the Court-fees Act be passed. Then may I ask why this should not also be passed for the sake of administration? I therefore think that there is absolutely no reason to oppose this Bill, as it will not affect the poor raiyats in any way.

At this stage the Council adjourned for 15 minutes.

After the adjournment.

Maulvi HAMID-UD-DIN KHAN: I cannot but congratulate the people of Bengal for their being thrice blessed by the introduction of three Bills of taxation one after another on three successive days from the same benevolent hand. It is truly remarked by some of the newspapers that this Council is nothing but a debating club and, to my mind, the remark seems to be partially true. What is the efficacy of the speeches? What are the effects of these eloquent vociferations? All these things stand for nothing and end in smoke. So it is better to keep silent and join at the end, when the vote is taken, the cry for taxation, taxation, taxation. Have we, the members of this Council, no duty towards the poor peasants of Bengal through whose generosity, many of us—I say most of us—adorn the seats of this House? Is it not our duty to defend

the interest of those dumb millions who supply us with all the necessaries of life and are denied even the fruits of their hard labour? It is our duty to relieve the poor peasants of Bengal who are already overburdened with heavy taxes. This Bill together with the Court-fees Bill will give a handle to the non-co-operators. Coming as I do from the district of Rangpur and having some experience of the people there, I should like to point out to the members of this Council that as soon as the Bill is passed into law, the non-co-operators will go to the poor peasants of Bengal and tell them about the heavy burden of taxation imposed by the Reformed Council and explain about the superiority of the easy method of relief afforded by arbitration courts. To my mind this Bill should be postponed for the time being to see the effect of the two Bills that will be passed into law. I very much doubt the soundness of the policy of imposing a fresh tax upon the poor people as an all-round increase of court-fees and stamps will operate harshly on the poorer section of the people. In the circumstances I am not in a position to lend my support to this Bill.

Babu DEVI PROSAD KHAITAN: I rise only to point out a few points which ought to be considered in the Select Committee. So far as the general principles are concerned, I take it that the House, by passing the first two Bills, have already committed itself to the fact that fresh taxation is necessary to continue the Government of the province. I do not think that after those two Bills have been passed it will be open to this House to reject this further proposal which is necessary to replenish the treasury. Although the Hon'ble Mr. Kerr has pointed out that it has been fully considered whether the measures proposed will affect commerce and industry or not, I am afraid that there are some points still that remain to be considered. When I had the honour of speaking on the Amusements Bill, I pointed out that in order that the province might develop, it was necessary that trade and industries must grow in this province. The trade and industries are still in their infancy not only in this province but I may say throughout the whole of this country. These things ought to be delicately nurtured and in order that there may be progress in trade and industries, it is necessary that nothing should be done which might affect their growth. I hope when this matter will be considered in the Select Committee this point will be borne in mind and nothing will be done which might in any way affect the growth of trade and industries.

The next point is about the conveyance of properties in Calcutta. There are two reasons why I think that the stamp duty on conveyances of Calcutta properties should not be increased. The first is that although hitherto the properties in the mufassal when they are conveyed are stamped at 1 per cent., since the introduction of the Calcutta Improvement Act, the Calcutta properties have borne a stamp duty of 3 per cent. From my small experience of transfer of properties in Calcutta, I can say

that even a duty of 3 per cent. is rather heavy and properties are not so easily transferable as they would otherwise have been. If the stamp duty be further increased to 3½ per cent. it would be a serious detriment, and I hope that in view of the fact that while Calcutta will be paying 3 per cent. and the mufassal proprietors 1½ per cent. there will be no injustice done to the muffassal proprietors if there be no further increase in Calcutta.

The second point on which I object to a further increase of the duty on Calcutta conveyances is this. Calcutta is the chief place in Bengal where trade and industries are thriving. It is necessary that in Calcutta at least properties should be easily transferable and any detriment that might be introduced to the easy transfer of properties in Calcutta will in an indirect manner be a detriment to the steady growth of trade and industries. It is well-known that merchants and traders carry on business in Calcutta, they require money and they do it sometimes by mortgaging properties and sometimes also to save interest by transferring properties. The easy transferability of properties in Calcutta will to no small extent lend to the growth of industries and trade, not only in Calcutta but throughout Bengal, and I hope that this point will be borne in mind when this point will be considered by the Select Committee. There are some other minor points to which I need not draw the attention of the House at this stage. I hope all these points will be seriously considered by the Select Committee.

The Hon'ble Mr. P. C. MITTER: For the last few days, specially yesterday, we have been hearing a good deal about the poor. We were told that the Court-fees Bill was going to be oppressive to the poor litigants—and should be rejected. It is, therefore, with some amount of surprise and amusement that I find to-day some of those members who were pleading so strenuously for the poor, opposing this Bill. After all what is this taxation Bill? Is it not going to be a tax on the investor, and on the comparatively rich? I can well understand, and appreciate the objections of my friends like Babu Surendra Nath Mallik and others, who object to these taxation Bills on principle, but I confess I do not understand the objection of those who object to this Bill in particular. The House has declared in no uncertain terms and by an overwhelming majority that they accept the principle of taxation. Having accepted the principle, I should have thought that so far as this Bill was concerned, it was a measure open to least objection. When a man goes to buy a property worth say Rs. 50,000, at the present moment he pays Rs. 500 as stamp duty; we propose that he should pay Rs. 750. Even rich people do not buy property every day, and if a rich man has to pay twice or thrice in his life-time, he ought to welcome it even from the point of view of his own interest, for a rich man ought to remember that if Bills, like these are thrown out there is bound to be some direct tax. It is

much better to pay occasionally a tax than to pay it every quarter or every year or from generation to generation. Therefore, having accepted the principle of the Bill, I fail to understand this opposition to the Bill. After all we must realise—the middle classes must realise, the richer classes who also must realise—that we should be prepared to tax ourselves for the benefit of the poor. The sooner we realise this the better. As I have said, I can at the same time well understand the arguments of those of our opponents who are opposed to taxation as a matter of principle. But as that question has been settled, this opposition appears to me to be based on self-interest. I do not propose to go into the general arguments which have again been repeated to-day, but there is one small point upon which I should like to say a word or two. In spite of what has been said about retrenchments, I am afraid no serious attempt has been made to meet the points of the Hon'ble the Finance Member. The Hon'ble Mr. Kerr has pointed out and other speakers have also pointed out that the present cost of establishment amounts to Rs. 6½ crores, and further more the contract contingencies amount to over Rs. 1½ crores. That means that more than Rs. 8 crores we must spend whatever we do. I remember in the old days when I was a member of the old Bengal Legislative Council, the total budget was something near Rs. 7 crores. The expenses have increased and what is the main reason? The standard of living has risen. That point has been touched upon by more than one speaker on our side, but no attempt has seriously been made to meet it. We all know from the McAlpin Committee's Report that the rise in the cost of living has increased by about 60 per cent., but some of my friends like Rai Mahendra Chandra Mitra Bahadur are not satisfied even with the increase suggested in the McAlpin Committee's Report. I venture to say that a salary of Rs. 200 in the old days is now equivalent to a salary of Rs. 300 or 325. Therefore, although the rise in the cost of living may be something very undesirable and unfortunate yet we cannot run away from this unfortunate fact.

Lastly, I would appeal to the mufassal members of this Council who have so strenuously fought, whether on our side or on the opposite side, because those who fought on the opposite side fought for the poor, at any rate this was the impression left on my mind, that if they are not prepared to support a tax on the well-to-do, they must tax the poor. I would also venture to appeal to the good sense and patriotism of the Calcutta members to remember that if they do not yield in time for the benefit of the masses, a time will soon come when the masses will come to their own—perhaps much sooner than many realise—and if the middle classes and the richer classes do not do their duty in advance, the masses will know how to assert themselves to the detriment of these classes.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I strongly support the motion that this Bill be referred to the Select Committee, because for the last three days we have been hearing the cry for the poor and if

the tears be not crocodile tears, everyone must consider that these three Bills be taken into consideration and what we have cried for is that court-fees on suits up to Rs. 1,000 should remain as before. If you throw away this Bill to-day, what will your position be to-morrow, and if you allow some concession to the poor you will have to deduct, say, Rs. 20 lakhs from court-fees. If gentlemen, specially the gentlemen of the mufassal, throw away this Bill to-night, then your position will be confined to two Bills and your cries and your tears for the poor will be of no avail. I therefore appeal to you, gentlemen, that you should allow these three Bills to go to the Select Committee.

Mr. HUSEYN SHAHEED SUHRAWARDY: Will the member kindly address the Chair?

Khan Bahadur Maulvi WASIMUDDIN AHMED: I heard Rai Jogendra Chunder Ghose Bahadur to contemplate a contingency. That gentleman has inherited large properties. There is a chance of losing 10 per cent. in hundred years, but does he remember how much we lose every day and every minute. We pay a heavy tax on salt and every morning and every evening we lose a great deal. Loss by whom? Not by the persons who inherit large properties from their ancestors without doing anything, but by people who earn their living by the sweat of their brow. Then, again, we are paying income-tax. What percentage it forms of the entire income and how much can we save after meeting all the expenses? Yet we are to pay income-tax—income-tax not on the savings with which we are to purchase zamindaries but income-tax on the gross income. There are many gentlemen who earn their living, earn their profit, but at the same time of paying the income-tax, they have to go to *mahajans*. But you do not say anything about that. You say that you, zamindars, have a chance of losing 10 per cent. in hundred years and you should not be driven like cattle. My friends, the zamindars, should take this very fact into consideration in arguing that they should not vote for this Bill.

Then, again, of course, we have been hearing these three days of retrenchment. I yield to none as regards the need for retrenchment. Last year when I moved a resolution for curtailing Rs. 23 lakhs from the police grant, of course I was supported by a large number of my friends; what happened afterwards? Some gentlemen, probably of the town of Calcutta, went up to Government in order to get some concession and paid over that amount to Government. For the last ten months, we have been passing resolution after resolution, recommending several measures to Government and every one of these resolutions will entail some expenditure. But can you meet that expenditure unless you put something in the hands of Government? Can you save so much by retrenchment, that you can have a technological college, of which my learned friend, Rai Jogendra Chunder Ghose Bahadur, is a staunch supporter? Does he expect to save a large amount by abolishing one or two

posts? Or does he not require a larger revenue? Then, there is the venerable gentlemen who has been crying hoarse that we require a large amount of money for effecting improvements in the muffassal. We are anxious to drive away malaria from the country. Can you drive away malaria by long speeches and all these things? Do you not require money for this purpose, and if you require money, why not pass these Bills? During the time of voting for grants you can curtail them and thereby effect a saving. When you have done so, you can allow sufficient money in the hands of the Minister in charge of Public Health. You have passed a resolution the other day that a certain percentage, *viz.*, 40 per cent. of the revenue, should go to the transferred side. Can you expect to do that unless you can put something into the pocket of the Government? Can you expect that Ministers would get 40 per cent. of the revenue? I think not.

With these few words, I strongly support the motion for allowing the Bill to go to the Select Committee, so that all these three measures can be considered together and that we may make some concession to the poor.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: I find by perusal of the memorandum of this Stamp Bill that this is the least objectionable of the three Bills from the poor man's point of view. The Amusements Bill will affect slightly the working class visitors to cinemas. The Court-fees Bill will affect the raiyat and working class litigants to some extent, but I am glad to find that the present Bill will affect the poor people least.

Raiyats are greatly affected by bonds on which they raise loans and I find that all bonds not exceeding Rs. 100 are to be stamped on the old rates.

To my mind all the howls about the Bill are raised by the property owners and the solicitors as the stamp duty on conveyances are raised.

We all know what enormous amounts of money have been made by land speculators in Calcutta and how the price of land has risen by 500 per cent. in many cases and sometimes even more by their speculations. The present holders can well afford to pay the proposed higher duty which after all will be only 1½ per cent. instead of the old rate of 1 per cent.

The improvement fee of 2 per cent. has helped in unearned increment of our Caloutta landlords enormously and properties have gone up in value as I have said before to 500 per cent. mainly partly due to the improvement done. It is therefore very unreasonable on their part to condemn this least objectionable Bill, because they are called upon to pay another half per cent. on future conveyances.

Babu TANKANATH CHAUDHURI: I had no intention of speaking to-day, but the reference made by Rai Radha Charan Pal Bahadur in the course of his speech as to the means by which additional revenue

should be raised has compelled me to speak a few words. It may be within the memory of many that the late father of the Rai Bahadur was the greatest champion of the rights of the landlords during the early eighties of the last century. In order to make amends for the faults of the past perhaps the Rai Bahadur got up yesterday evening and this evening and said that the landlords should be compelled to pay a tax on agricultural income. In his earnestness, he forgot that the whole of the revenue derived from income-tax goes to the Government of India and any addition to that tax will not relieve the pressure upon Bengal which we are going to face. After a perusal of the memorandum which has been presented to us to-day, we find that perhaps this is the least objectionable form of raising more revenue from the standpoint of the poor raiyats. As the previous speaker referred to this, we find there is no change in the rate of the stamp duty up to Rs. 100 and up to Rs. 200 there is only an addition of annas four for every bond. The thing is this. The class which would be really affected is the richer people, and if the Rai Bahadur really wants to tax the rich in order to save the poor, perhaps he should give this Bill his whole-hearted support. It may affect the interests of the Calcutta people, but the muffasal people would not be much touched. With these few words, I beg to accord my whole-hearted support to the reference of this Bill to a Select Committee.

Babu SURENDRA NATH MALLIK: I again beg to object to this Bill on the same grounds as I urged before and I do not like to repeat them. It is however a matter of some amusement to find that some of our friends, who were whole-heartedly supporting the Government up till yesterday, have suddenly changed their angle of vision and are now the persons who are opposing the Bill so far as Calcutta is concerned. And two of my friends here, who are before my mind's eye, one a land-holder and the other a representative of the now rich land-holding community of Calcutta—*viz.*, the Marwari Community—are the persons who are strongly opposed to this Bill. They have come to know that 3 per cent. will be raised to 4½ per cent. on sales, and that they will have to pay much more money on them than now. That is the reason that their loyalty has been somewhat shaken ("Hear," "hear"). Cats have a nasty habit of sometimes coming out of their bags. In this instance, therefore, all this great anxiety, which I noticed yesterday and day before yesterday, that Government should not be wrecked does not appear to perturb them now. From their speeches yesterday and the day before I gathered that my friends were apprehending that if we did not pass these Bills, the Hon'ble Mr. Kerr would take the next boat and proceed to London, leaving it to me to mismanage the state of things here: and to-day they are absolutely wise: they say that it cannot be as it will hit hard the rich landlords. I am neither poor nor rich, neither a cultivator nor a landlord. I am a middle class *grihasta* in Calcutta who has to work hard to earn his own living by his daily labour. I am therefore in the best position to judge about this question: and taking the

three Bills, I think that this Stamp Bill ought to be passed in preference to the others (" Hear, " " hear "). So if you always look to your own interests, you cannot pretend that you are supporting the Government. I will, however, ask my friends to remember that Government is very shrewd and that the shrewdest man is the Hon'ble Mr. Kerr. As I had the privilege of passing four or five days with him when I went to Simla in September last in his company, I found that he is wonderfully shrewd. Do not think that you can humbug him.

Then, I come to some of the arguments as regards the details. First of all, you have got the deficit made by the two previous Bills for taxation. Why, again rush to the third? It is said that there is this deficit of Rs. 83 lakhs which has been met by reducing Public Works Department expenditure, and you are going to have Rs. 60 lakhs as the provincial balance for next year. So it is clear that you will have at least a deficit of Rs. 23 lakhs again next year. That is exactly what I say—every year you will have a deficit and every year you will have to make it up by taxation. When His Excellency said on the 21st November last that these measures would only be temporary, I could not with the greatest difficulty induce myself to accept it. But the Hon'ble Mr. Kerr has made no secret of the matter, as he has not for a single moment indulged in the hope that these are temporary measures. He is as honest and straightforward as he is able.

The second question which arises is: Are we going headlong to lay this permanent burden on the country without even waiting to see how matters stand only for a month more after we have considered the budget grants? You cannot wait even for that?

The third reason why I object to this is that you are placing yourself in a very awkward position: and this is a matter which I want to impress on the mind of everybody—be he a Calcutta man or a mufassal man—that you are placing yourself between two fires. Here is the Stamp Act which is a Government of India Act and you are doing all these things with it. Has the Hon'ble the Finance Member told you that he has got an assurance from the Government of India that they do not intend to have anything again for themselves out of this source of revenue? I asked him, and he said: " No. " His answer is that it does not matter and whatever they may do, the income will come to us. I understand that, though I am not a financier myself and I do not pretend to be one—as I keep myself three miles out of that region—still the fact is there. The Government of India have strong motives to add to our burdens under the Stamp Act. They are themselves impecunious. They have given us Rs. 63 lakhs only for three years and they will be anxious to ask us in no time to find funds for ourselves, they will be more kind to us than ourselves. They will put in a fresh and additional tax on stamps which they can easily do and then find the money for you to relieve their own burden. I therefore beg to ask you to consider everything. Do not think that Government will come to an end if you

do not vote for this third taxation Bill. Surely, you may take it that if you do not agree to this additional taxation then the Hon'ble Mr. Kerr is going to take the next available boat to go home; there is no danger of that. The Government of India has not given any assurance as regards this Rs. 63 lakhs. The Government of India will probably say: "I impose all this additional taxation and the money is yours. You cannot object." They are the higher authority. They will say that "you have got to find this Rs. 63 lakhs for yourselves. Why should you not pay? At the end of three years you must stand on your own legs." Then there will be no answer to that.

Then, I have got only one point with regard to the arguments of my friend, Babu Jatindra Nath Basu. His idea is that it does not matter much if we raise the rate from one anna to two annas. To a man of his position it may not matter—as we all know that he is himself a big zamindar in Behar and the managing partner of Messrs. B. N. Basu & Co.—he was in fact born with a golden spoon in his mouth. But I may tell him that though it may be nothing to him it is something to the poorer classes and it is not likely that they will not fail to appreciate the additional burden.

Then, I come to another argument that the reason for enhancement of the rates is that they are 50 years old. There is very little substance in this argument. I know that my father bought a piece of land at Rs. 450 per *cotta* 35 years ago and I purchased an adjoining piece of land for Rs. 750 per *cotta* about 21 years ago; and the price of that land at the present moment, as assessed by the Improvement Trust, is Rs. 5,500 per *cotta*. The value of land here has gone up considerably and a *cotta* of land which was worth Rs. 250 20 years ago is worth at least Rs. 2,000 now. There is no value in the contention at all that it is an old rate.

Then, I come to certain observations made yesterday by my esteemed *guru*, the Hon'ble Sir Surendra Nath Banerjea. I say with a certain amount of hesitation that I could not understand his argument that unless we pay more taxes, in six months we shall die like rats in hundreds and thousands. Well that is a veritable dogma to me.

The Hon'ble Sir SURENDRA NATH BANERJEA: I think my friend, Mr. Mallik, has misunderstood me. What I said is—"If we do not equalise the revenue and expenditure, we shall not be able to raise loans; and if we are not able to raise loans, we shall not be able to initiate any measures for the prevention of malaria and our people will die like rats in hundreds and thousands."

Babu SURENDRA NATH MALLIK: I stand corrected. He said that if we did not pay taxes, we would not be able to raise loans; if we did not raise loans we would not have money: and if we did not have money to pay for malaria, then in six months our people will die like rats in hundreds and thousands. This is what for the life of mine I could not

understand. It looks like a veritable *Brahmoshaup*. Why should we die like rats? No doubt we have been dying from malaria; but how will the mere payment of additional taxes save the situation at all? Do I understand my esteemed *guru* to say that it is only Rs. 17 lakhs—the amount that is necessary for the sinking fund and interest on Rs. 2 crores—that ours is becoming a dying race? Does he mean to say that for the last 60 years there has not been a single Lieutenant-Governor in this province so humane or so ordinarily intelligent as could see that he could save their province by spending only Rs. 17 lakhs out of the coffers of the State? That position is, therefore, absolutely untenable. We are to invest Rs. 2 crores each year for 10 years, can we do it? Has the Hon'ble the Finance Member assured us that he would allow us the interest on the sinking fund necessary for the purpose from year to year for 10 years—even Rs. 17 lakhs every year? These are mere empty words. If you examine them, you will find that there is no veritable substance in it. Is it only for the absence of this taxation that our people have been dying by the hundreds and thousands every year? No. It is the policy underlying the administration for which our people are suffering: it is the costly administration; and I do not think that even my esteemed *guru*, with all his energy, with all his ability and all his best wishes can possibly control it so long as that policy is continued.

As regards my friend Khan Bahadur Maulvi Wasimuddin Ahmed, he has said—"Let us pass these Bills and let us, at the time of voting of grants, cut away something, and thus make it up." I need only remind him that we are not allowed to do that. We cannot allocate the grant but we can only allow a grant or refuse or reduce it. One instance that I may give is that this very House passed a resolution that at least 40 per cent. of expenditure be allocated to the transferred side of Government. It was done about 2 months ago; and to a question put by me to the Hon'ble Member over there the answer is that Government has decided not to accept that resolution. Still, you are running after the Government with the hope that malaria will be driven from the country, that ignorance will be destroyed by the passing of these taxation proposals. I do not like to take up any more time. Let my friends decide for themselves whether they should proceed in this idea of going on taxing and taxing the people without justification.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I beg to move that the question be now put.

The DEPUTY-PRESIDENT: I cannot put the closure now as I think the Hon'ble Mr. Kerr should be allowed to reply.

The Hon'ble Mr. KERR: Like Mr. Surendra Nath Mallik, I have been somewhat surprised at the change in the tone of some speakers to-day; but I do not attribute it to the motives that he has mentioned.

I take a more charitable view of the case. I take it, that this Council, asked for the first time in the history of Bengal to agree to provincial taxation, feels in connection with the last of the three Bills that have been submitted to it, rather tired of the subject, rather weary of well-doing. The Council feels that, by the two Bills which it passed yesterday and the day before, it has given us a sum of 110 lakhs of rupees. Some members, not unnaturally, feel inclined to stop there and say: "Do the best you can with what we have already given you." That attitude is not unnatural; but it necessitates my going once more, I hope for the last time, over the old ground of the old deficit which is still there and still requires strenuous and heroic efforts to get rid of.

It is true that on our present rough estimates, the two Bills which have been referred to the Select Committee, will give us Rs. 110 lakhs, if they are passed in their present form. But every member of the Council knows that reiterated appeals have been made in the course of the debate on these Bills to lighten the burden on the poor; and I have not the slightest doubt that that feeling will persist and very rightly persist in the Select Committee and that we shall be pressed to make reductions, remissions and allowances and all the rest of it, in order to relieve the burden on the poor as far as we possibly can. I have myself said that I fully sympathise with that attitude; and though I think that when we come to look into details, we shall find the burden on the poor not so much or so great as has been apprehended by many speakers, still I take it as an undoubted fact that attempts will be made to whittle down the rates and the total amounts to be yielded by these taxes, and I shall not be very much surprised if when the Bills come out of the Select Committee we do not find so much money in our pockets as we expected to get when the Bills went into the Select Committee.

Assuming that we get Rs. 110 lakhs out of the two Bills, that sum will still be Rs. 20 lakhs below our deficit for next year, taking the deficit to mean the difference between the expenditure and the revenue. As I have explained before, our total deficit is Rs. 130 lakhs, of which we propose to meet Rs. 40 lakhs by drawing on our balances. The balances will thereby be reduced to Rs. 20 lakhs, which we propose to keep for emergencies and we could not afford to keep less on our present experience of the reformed system of Government. So, if we get only Rs. 110 lakhs, we should have nothing in our balances at the end of next year, and we should have to come to the Council again and ask them to impose fresh taxation. With only Rs. 110 lakhs we should have no surplus whatsoever with which we could inaugurate a loan policy in order to relieve our revenue budget and without the inauguration of a loan policy, as members know, there is no hope of our being able to carry on the administration in a satisfactory manner on our present income. But if we get a moderate surplus, we can put capital works on a loan budget, and with the aid of the retrenchments and other measures by which we have kept down our expenditure for next year, we shall, as

far as I can see at the present moment, be able to get along fairly well. Therefore, I would urge the Council to pause before it throws out the last of the three Bills.

I will now deal very briefly with a few of the criticisms that has been made on the Stamp Bill. Colonel Pugh criticised the Bill in somewhat strong language. Mr. Spry has dealt with the detailed points which he raised and I myself dealt with his initial fallacy that this Council was not competent to pass the Bill. I do not think the Council need be frightened by Colonel Pugh's rather strong language. Of course the Bill is not an easy Bill to follow. It is not light reading, but I do not think that it is unintelligible. The delay in preparing the explanatory memorandum is unfortunate and I myself have felt much inconvenience on that account. But by putting the Bill and the present Act side by side it is perfectly easy to follow the changes that we propose to make, and from the shrewd remarks that fell from many of the speakers on the details of the Bill, it is apparent that they have perused the clauses of the Bill very closely, and that the clauses are perfectly intelligible. I deny also the charge of hasty preparation. We referred this Bill to a Committee of experts last October and we got their report early in November. We sent the Bill to the Government of India—the Bill based on the Committee's proposals—at the end of November and the Government of India have been sitting upon it ever since. They have of course subjected it to a thorough and independent examination. That the Bill is perfect in form I am not prepared to say, but as I have said before it is the Select Committee's business to polish it up. But I do say that there has been no undue haste and that there is no reason to be ashamed of the Bill as it stands. It is quite in a fit state to go before a Select Committee. The provisions of the Bill have been approved by the expert Committee, by the Bengal Chamber of Commerce and by the representative of the National Chamber of Commerce who sat on the Expert Committee.

As regards the contention that this Council is not the proper place to deal with a measure like the Stamp Act, I say that the Government of India might have raised that objection but they have not raised it. As the Government of India, subject, of course, to the reservations made by them, have given us permission to proceed with the Bill, I do not think we need worry ourselves about the propriety of the course we are taking.

As to Mr. Mallik's suggestion that the Government of India will seize the opportunity three years hence to enhance the stamp duties over our heads in order to get back the Rs. 63 lakhs which they have temporarily remitted, I do not think that there is any substance in it. It is true that the Stamp Act can be amended by the Indian Legislative Assembly and the Council of State as well as by this Council, but I cannot conceive that the Indian Legislature or the Government of India

in a matter of this kind would legislate without the consent of the province concerned. This is a bogey which has been conjured up by Mr. Mallik and I do not think we need worry about it any further.

Mr. Bijoy Prosad Singh has asked a very pertinent question. He has asked what are the steps this Government proposes to take to address the Government of India on the matter of the injustice done to us by the Meston Committee. I will tell him what I propose to do. I propose, as soon as this business is over, to report the whole situation to the Government of India, to set out all the troubles and difficulties we have had during the last few days in getting the members of this Council to accept the principle of taxation. I propose to tell them of the manner in which the members of this Council have applied themselves to the question of legislation and the manner in which a great majority have decided that it is their bounden duty, though an unpleasant duty, to come to our assistance. I believe that the matter put in that way will go to strengthen our case with the Government of India. What the Government of India will do I cannot say, but certainly as His Excellency has said, we shall not relax our efforts to obtain a just settlement of our just claims.

Before I sit down let me just ask the Council to ponder over one thing. I myself am a bureaucrat responsible to no one but my superior officers and my own conscience. The members of this Council are responsible to their constituencies, and they have during the last two days agreed to tax the amusements of the poor and to accept another Bill which will also affect the poor. I do not see, therefore, on what grounds they can refuse to support this Bill which does not affect the litigation of the poor in the same manner as the Court-fees Bill. Although we have promised to do all we can in the Select Committee to protect the interests of the poor, I apprehend the Court-fees Bill will affect the poor to some extent, but here is a Bill which does not affect the poor in the least. It is a Bill which only affects property owners and men of substance, men very much in the position of the majority of the members of this Council. What then will the constituencies say if the Council throws out this Bill? As Mr. Rai Harendranath Chaudhuri has pointed out this is the least harmful of the three Bills, so far as the poor are concerned, and what are members going to say to their constituencies if this Bill is rejected? Mr. Mallik also mentioned this same point and it is a point which deserves the serious consideration of the Council.

I would, therefore, appeal to members of this Council not to abandon the path on which they have entered, not to take their hand from the plough till the furrow is complete, not to throw burdens on the poor, which will give inadequate relief to Government, but to show clearly that they are willing to shoulder part of the burden themselves, by accepting this Bill.

Mr. S. M. BOSE: I move that the question be now put.

The motion that the question be put was then put and agreed to.

The Hon'ble Mr. Kerr's original motion being put, a division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Yakubuddin.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinas Chandra.
Basu, Babu Jatindra Nath.
Beadel, Mr. C. F.
Bhattacharji, Babu Hem Chandra.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Currie, Mr. W. C.
Das, Babu Bhismadev.
Das, Mr. S. R.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Doss, Rai Bahadur Pyari Lal.
Dutt, Rai Bahadur Dr. Haridhan.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Chose, Mr. D. C.
Goode, Mr. S. W.
Gupta, Mr. J. N.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. C. T.
Karim, Maulvi Abdul.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prosad.
Khan, Babu Devendra Lal.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Larmour, Mr. F. A.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
McKenzie, Mr. D. P.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. G.
Mukharjee, Babu Nitya Dhon.
Mukharji, Professor S. C.
Nakey, Mirza Muhammad Ali.
Poddar, Babu Kesheram.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abd-ur-.
Rauf, Maulvi Shah Abdur.
Ray, Rai Bahadur Upendra Lal.
Ray Chaudhuri, Mr. Krishna Chandra.
Robinson, Major-General W. H. B.
Roy, Babu Nalini Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy Mr. Bijoy Prosad Singh.
Roy, Mr. Tarit Bhusan.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Sarkar, Babu Jogesh Chandra.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

NOES.

Ahmed, Maulvi Rafi Uddin.
Aley, Mr. S. Mahboob.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Rai Harendranath.
Dutt, Mr. Ajoy Chunder.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Haq, Shah Syed Emdadul.
Janah, Babu Sarat Chandra.
Mallik, Babu Surendra Nath.
Mitra, Rai Bahadur Mahendra Chandra.
Moitra, Dr. Jatindra Nath.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Pal Rai Bahadur Radha Charan.
Ray, Kumar Shib Shekhareswar.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Mr. Huseyn Shaheed.

The Ayes being 73 and the Noes 20, the motion was carried.

Adjournment.

The Council was then adjourned till 3 P.M. on Thursday, the 26th January, 1922, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Thursday, the 26th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers and 106 nominated and elected members.

Government Bills.

The Calcutta Improvement (Amendment) Bill.

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): I have the honour to move that the Calcutta Improvement (Amendment) Bill be taken into consideration.

I asked the permission of the House to introduce this Bill last week, and that permission was given, and the Bill was introduced. It has been circulated and published. I explained the objects of the Bill in the speech which I made on that occasion. I desire once again to repeat that what is proposed is to grant the solatium of 15 per cent. which was withheld under the provisions of the present Improvement Trust Act from owners upon the compulsory acquisition of their land. A great deal of complaint was made with regard to this particular provision, and it is now proposed to remove it. I think it was Rai Radha Charan Pal Bahadur, who in 1919, raised this question in this Council and at that time a definite promise was given that the law would be changed. Since then the matter has been under the consideration of Government and the Government have now come to the conclusion that the solatium should be given and that as soon as possible. Therefore this Bill has been introduced. It is a non-contentious measure containing only two sections, and it seems to me, and I am sure that it will also appear to the Council, that it is unnecessary to refer it to a Select Committee. I just want to make one other observation in regard to this matter. The Calcutta Improvement Act will undergo modifications later on, and we are preparing a larger Bill for this purpose. This was an urgent matter and we thought it necessary to pass a short Act in order to give the solatium which was for a long time denied to the people of Calcutta. With these words, I beg to move that the Bill be taken into consideration.

Rai RADHA CHARAN PAL Bahadur: I desire to thank the Hon'ble Minister in charge of the Department of Local Self-Government for the justice, I should say, the belated justice that is proposed to be done to the people of Calcutta by the introduction of this amending Bill. I am particularly glad that it has fallen on the most distinguished representative of the public and a most respected popular Minister to remedy the injustice which has been so keenly felt by the people of Calcutta. Ever since the Calcutta Improvement Bill has been in operation, there is not a single household in the city, there is not a single holding in the city, which has not felt the grave injustice done as they found that on one side the Improvement Trust was acquiring land without paying the 15 per cent. solatium to which they are entitled, and on the other side the Calcutta Corporation was acquiring land for statutory improvement of the town, and were paying 15 per cent. which was denied them in the former case. In the Calcutta Improvement Act for acquisition of land in the areas outside the Calcutta Municipality proper, that is, Cossipore, Chitpur and Maniktolla, the owners of holdings are entitled to the statutory compensation of 15 per cent. but none of the people of Calcutta, not even the smallest hut-owners, can get the 15 per cent. solatium. This matter was very fully discussed in the Council, and there was a great opposition to the omission of this particular clause from the chapter on Land Acquisition in the Calcutta Improvement Act, and I remember that in the Select Committee votes were equal and it was only by the casting vote of the President of the Committee that this clause was omitted from the Calcutta Improvement Act. I remember with satisfaction and gratitude that the President of the Chamber of Commerce, Mr. Shorrock, was with us at the time. Mr. Bompas was then the member in charge of this Bill, and he with his usual tenacity and doggedness opposed when the members wanted to re-instate this clause in the Calcutta Improvement Trust Act. I am glad to say that after mature deliberation and experience of the working of the Act, Mr. Bompas came to the conclusion that this injustice should be remedied, and he, as the President of the Improvement Trust, has recommended to the Government that this Act should be amended so as to restore the 15 per cent. solatium to the people.

In 1919, after waiting and waiting for a long time and living in expectation, I took the opportunity to move in the old Council for the immediate introduction of an amending Bill, and at that time an assurance was given that as soon as practicable this matter would be brought up, but, Sir, Government machinery moves so slowly that "as soon as practicable" is realised to-day, that is, from July, 1919, to January, 1922.

I thank the Hon'ble Minister, and I feel deeply grateful to him that although the Amending Act is not yet ready, he has been good enough to bring this up separately in order that the solatium be

restored to the people of Calcutta. The Bill consists of a single clause and so, I think, instead of referring it to a committee, it may be taken into consideration and passed to-day.

Babu AMULYA DHONE ADDY: I thank the Hon'ble Minister in charge of the Department of Local Self-Government for moving this resolution.

To be a landholder in Calcutta is a curse. We have sad experience of this when the Calcutta Rent Bill was sanctioned into law. The Calcutta Rent Act may be regarded as the Calcutta Tenants Act.

I am grateful to Government for having come to the conclusion that the statutory allowance should be allowed in the case of forcible acquisition of land under the Calcutta Improvement Act. The law is a most inequitable one and I thank the Government that they are now going to do justice to the landlords of Calcutta. When a plot of land is required under the Land Acquisition Act for the work of Government, we shall have to pay statutory allowance at the rate of 15 per cent. When any plot is required for the Port Commissioners, that statutory allowance is allowed; if any land is acquired under the Calcutta Municipal Act that allowance is allowed, but I fail to understand why no such allowance is given under the Calcutta Improvement Act.

We all know that in Calcutta lands are acquired not only for the opening of roads but also for recouping the cost of the construction of roads. Even ancestral dwelling-houses which are regarded as sacred are acquired—and forcibly acquired—simply to recoup the cost of the construction of roads. There is no reason as to why no allowance should be given for the forcible acquisition of lands. This statutory allowance of 15 per cent. has long been recommended by the Calcutta Corporation. It has also been recommended even by the Calcutta Improvement Trust—a board consisting mostly of representatives of trade and commerce of Calcutta and which is vitally interested in this question. I would draw the attention of this House to the Report of the Commission—I mean the Calcutta Building Commission—that was appointed in 1898 by the Government of Bengal presided over by Justice Trevelyan. From the report it appears that there seems no sound reason as to why owners of land which is forcibly acquired should not receive allowance, and they submit that such allowance should both be claimed and insisted on. They further submit that they have given careful consideration to the question of statutory allowance and are not inclined to recommend any alteration in the present law—I mean the statutory law of 15 per cent. They have further said that in England the allowance for compulsory acquisition in the case of house and building sites is invariably 12 per cent., in the case of agricultural lands it is usually 25 per cent. and in some

of the northern countries it rises even to 50 per cent. But 15 per cent. is fixed by law in the country. That is hardly fair. So it appears that notwithstanding the strong unanimous opinion of the Calcutta Building Commission, Government do not think it fit to grant the statutory allowance of 15 per cent. We are grateful to Government for having recognised the grievances of the landlords and the injustice that was done under the Calcutta Improvement Act.

I strongly support this motion and hope that the statutory allowance of 15 per cent. should be allowed in the case of forcible acquisition of land under the Calcutta Improvement Act.

Mr. D. J. COHEN: The proposed amendment of the Act is a move in the right direction, although a belated one, and I support the measure whole-heartedly. There are various other points which press rather harshly, such as exemption fee, acquisition of surplus land, the procedure for determining compensation, etc., and I hope that a further amending Bill be introduced at an early date in order that we should have the benefit of the experience of Mr. Bompas to guide us in our deliberations.

The Hon'ble Sir SURENDRA NATH BANERJEA: I am very glad and I am thankful to the Council that this Bill has received such cordial support from gentlemen interested in this measure. Mr. Cohen has raised the question of further amendments in connection with it. I can give him the assurance that the matter is under consideration and a Bill is under preparation. It is difficult to anticipate the time when we shall be in a position to introduce the Billl, but let me tell him that we are at work upon the Bill, and as soon as we are in a position to lay it before the Council, that shall be done.

The motion was then put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I beg to move that the Calcutta Improvement (Amendment) Bill be passed. I do not think I need say anything in support of this motion, as the matter has been fully discussed.

The motion was then put and agreed to.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): I may perhaps inform the members that the demands for grants will be made in the order of the Heads of the Budget, that is, the first motion will be "5. Land Revenue," the next "22.—General Administration relating to the Jhargram subdivision" followed by a demand for the Ministers' salary under the same head. The next demand will be under "26—Police relating to maintenance of law and order in Calcutta, Howrah, etc.," followed by "31—Education, Medical, Public Health and Civil Works."

Demands for Grants.

MEMBER in charge of DEPARTMENT of LAND REVENUE (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): I have a very modest request to make. I beg to move that a sum of Rs. 10,969 be transferred from "5—Land Revenue—Survey and Settlement—Major Settlement" to "46—Stationery and Printing—Stationery supplied from Central Stores" for the purchase of 1,300 reams of bleached double foolscap paper for printing the final records of the Jessore Settlement.

The Director of Land Records reported that 1,300 reams of bleached double foolscap are urgently required by the Settlement Officer of Jessore for printing final records. As the allotment sanctioned by Government for the purchase of paper is not sufficient to cover the demand for the purchase of paper required for all the Major Settlements, it has become necessary to purchase the paper for this district out of the savings under the head "Contingencies" in the budget of Jessore Settlement for the current financial year. If the papers are not purchased locally now, the presses will cease to work and recoveries in the district will be seriously interfered with. So I propose to meet the charge amounting to Rs. 10,969 from the budget of the Jessore Settlement for the current financial year. To enable this to be done it is necessary to transfer this amount to the head "Stationery and Printing—Stationery supplied from Central Stores."

The motion was then put and agreed to.

MEMBER in charge of POLITICAL DEPARTMENT (The Hon'ble Sir Henry Wheeler): I beg to move that a sum of Rs. 6,435 be transferred from the lump provision of Rs. 25,000 under head "22.—General administration—District Administration" to the following heads to meet the cost of certain establishments for the new subdivision at Jhargram in the district of Midnapore:—

		Rs.
24.	Administration of Justice	3,235
25.	Jails and convict settlements	429
26.	Police	2,311
32	Medical	160
46.	Stationery and Printing	300
	Total ...	6,435

This demand is in connection with the partition of the Midnapore district which has repeatedly been discussed in this Council. As the Council will remember, that scheme came up pointedly in connection with the budget debate, and the Council by its vote disapproved of the project, which is one of many years' standing, being pursued. His

Excellency the Governor, having due regard to the responsibilities placed upon him, did not see his way to accept that decision, and certified the funds necessary for the continuance of the work. The matter was discussed again last July, when, similarly, the Council adhered to its opinion, and Government on the reserved side adhered to theirs. But subsequent to that debate of July, other influences supervened, namely, the financial difficulties of the province, and, as Mr. Kerr has explained, when it was realised with what financial difficulties we are about to be faced, drastic economies on all sides were undertaken, and among them this long pending scheme—a scheme which we on the reserved side would like very much to see completed without further delay—had to be put back for the reason that funds were not forthcoming. Therefore the partition of the district, as a whole, stands in abeyance. To that extent, though for somewhat different reasons, the intention of the Council has been met. The proposal that I have to make to-day has reference only to a subdivision which it was intended to create as part of the major scheme. The major scheme was to divide the existing district into two new districts. Even under that scheme three of the existing subdivisions remained unchanged, being allotted to one or other of the two new districts. The only subdivision which it was intended to touch was the present sadar subdivision of Midnapore which is of phenomenal size. Its area is 3,270 square miles, with a population of 1,310,000, and I put it to the Council that when a subdivision is intended to be the smallest revenue unit in charge of a responsible officer, and when it is intended that that responsible officer should be in close personal touch with every corner of it, as every energetic and conscientious subdivisional officer is, that cannot be achieved if the charge is of these huge dimensions. Consequently a proposal was made to divide this enormous jurisdiction into three—the sadar subdivision of the Midnapore district, the sadar subdivision of the new district of Hijli, and a new subdivision to be known as Jhargram. The district partition scheme having fallen out, the new Hijli sadar subdivision fell out too, and we are left with the proposal to create a subdivision at Jhargram only, leaving the rest which will then measure 2,033 square miles, with a population of 9,37,000, to continue as the sadar subdivision. Relief will, however, have been given to this extent that this new unit of 1,237 square miles, with a population of 372,000, will be put under a separate officer.

That is the proposal for which I ask the Council to provide funds in order that effect may be given to it at once. There are two special reasons for my so doing. The district of Midnapore exhibits two main features: the populous and developed part to the east and south, and the backward area, which is referred to in the papers as the jungle mehal, lying to the north and west; Jhargram itself is situated to the west of Midnapore town, fairly in the centre of a tract inhabited by backward jungle tribes for whose benefit special land revenue legislation was lately undertaken, and all the local officers are agreed that

for the efficient administration of that tract and for the protection of these poor, ignorant and backward people, the presence of a subdivisional officer, who can look after them, is eminently desirable.

Another reason for not dropping this project at this stage, as unfortunately we have been obliged to postpone the larger one, is that the buildings at Jhargram are completed. I have here a list of the buildings that have been put up, and they comprise a subdivisional court, subdivisional officer's residence, sub-deputy collector's residence, combined sub-treasury and guard house, munsiff's court, munsiff's residence, circle inspector's quarters, sub-jail, quarters for temporary clerks in the subdivisional office, quarters for temporary clerks in the munsif's court, inspection bungalow, roads, wells, tank, Public Works Department rest-shed and a shed for the Public Works Department staff, at a total cost of Rs. 2,54,000; while the land, which measures about 246 bighas, was acquired many years ago at a cost of some Rs. 4,000 only. These buildings are standing there ready for occupation and, somewhat informally, the subdivisional officer-designate is already working on the spot, though, of course, he cannot exercise the full powers of a subdivisional officer until the subdivision is created.

That being the position, we feel that we are justified in asking the Council to make this small provision in order to enable us to start work from the 1st February. We particularly referred the matter of the date to the Collector, as we thought that now it is so late in the year, the 1st April would be the more natural date to start from. But we got a reply from the Collector, Mr. Cook, which the Commissioner endorsed, strongly pressing for the immediate opening of the subdivision in which, he says, all is ready to start, and, regarding which, all have been aware for a long time that it was intended to start. The details of the provision in the schedule which accompanied this printed memorandum, are merely of tht normal kind incidental to the small establishments that exist in every subdivision and which are run on more or less uniform lines. There is little room, therefore, for criticism of the details, and the proposal rests on the main arguments which I have endeavoured to explain.

Babu SARAT CHANDRA JANAH: The motion that stands against my name and that I press before the House for its acceptance is that the motion for transfer of Rs. 8,013 from the lump provision of Rs. 25,000 under head "22—General Administration" to certain other heads to meet the cost of establishments for the proposed subdivision at Jhargram in the district of Midnapore, be refused.

The scheme of partition of the district of Midnapore was discussed in this House not long ago, and the reasons which led a vast majority of the House to reject the demand for grant on that account might be quite fresh in the memory of most of us, and I need not, therefore, take the valuable time of this Council in reiterating in detail all the different

aspects of the question; but I would concisely place some of the important grounds of objection to the said scheme of opening a new subdivision at Jhargram.

A glance at the map of Midnapore will show that the headquarters of the proposed subdivision will be in a remote corner of the district surrounded by jungles. There are no human habitations within a radius of three miles. There is no school or hospital, no shops where ordinary necessaries of life may be available, there is not even good drinking water. The public and the litigants would be put to extreme difficulty for want of suitable accommodation. The thanas which the new subdivision is proposed to contain are Jhargram, Gopiballavpore, Nayagram and Bimpur. This proposed headquarters is about 40 miles from most of the villages included in Gopiballavpur Nayagram thanas, whereas a portion of Jhargram is very near to Dantan. There are no well laid-out roads or other means of communication between the proposed headquarters station and other parts of the subdivision. This difficulty of communication will continue for a good length of time until money is available to make new roads.

Then the next consideration is that the people of the locality are extremely backward and for material, intellectual, moral, economic, industrial, agricultural, sanitary and other improvements of the people it is absolutely necessary that they should be in constant touch with the more advanced part of the district. This step of creating a new subdivisional headquarters at Jhargram would, I am afraid, keep them in isolation and as a matter of natural consequence, in absolute stagnation.

The most important reason to my mind why the scheme should be abandoned, is that the people who would be affected by it unanimously oppose it as would be manifest from the memorials submitted to His Excellency. I have personally inquired of many people and have received several representations from all sections of the people, and have no doubt in my mind that the people of the locality do not approve of it. Further there is absolutely no utility for opening up a new subdivision. The proposal for partition of the district of Midnapore has been held in abeyance or practically given up for the present in consideration of the unanimous verdict of the people, and in view of the great financial difficulties. Everyone thought that the scheme of opening a new subdivision would naturally go. There was no demand for grant for opening a new subdivision at Jhargram in the last year's budget. This scheme was merely a part of the original scheme for partition of the district of Midnapore, and the money that has been spent for this purpose came from the funds set apart for the original scheme of partition. The grounds that were urged against the partition of the district apply equally to this case also.

The opening of a new subdivision would entail a recurring cost of at least Rs. 12,000 to Rs. 15,000 a year. New sets of men for a treasury, a jail, civil, criminal, revenue, excise and salt departments have to be

employed. It is certainly not a prudential measure for the Government to undertake any work of questioned utility at this financial juncture. New Bills for taxation are before the House, but instead of burdening the poor tax-payers why not reduce expenditure? What administrative efficiency lies hidden in new schemes of breaking up old districts and subdivisions is something which it is difficult to understand. The money that is going to be spent uselessly may with great profit be utilised in more useful works of improvement—industrial, educational, sanitary and others.

With these remarks I oppose the motion for transfer of the grants.

Babu SARAT CHANDRA MUKHOPADHAYA: I move "that the demand for the transfer of Rs. 6,435 from the lump provision of Rs. 25,000 under head '22.—General Administration' to certain other heads to meet the cost of establishment for the new subdivision at Jhargram in the district of Midnapore, be refused."

It would, I fear, be placing Government in a false position to oppose the expenditure already incurred in investing Jhargram with the status of a subdivision under the Midnapore district, but I owe it to myself, nevertheless, to deplore the absence of any notice being given of the intention of Government to carry out the preliminary arrangements with reference to a part only of a scheme which in its entirety had been publicly abandoned *sine die*. As matters stand at present, the buildings required for the purposes of raising Jhargram to the position of a subdivision have almost been completed and the piper has to be paid. We cannot, consistently with self-respect, ignore the liability of Government to pay and our duty to sanction the payment of works already completed. But we owe it to ourselves to request Government to put off payment of the recurring charges, that is to say, to set the work of the subdivision going as has been very modestly prayed for by the people of Jhargram in their memorial to His Excellency the Governor of Bengal, for at least for such a time as may be required for giving the headquarters of the subdivision not only amenities of civilized life but the necessary adjuncts to a subdivision. It has been aptly pointed out that a modest place in order to be worthy of the name of the headquarters of a subdivision would first of all be provided with a school, a dispensary, suitable quarters for the litigants, drinking water tanks and a bazar. I would therefore in all conscience appeal to Government to put off the winding of the machinery for at least a period of two or three years.

Mr. HUSEYN SHAHEED SUHRAWARDY: I oppose the grant for the new subdivision at Jhargram on this ground. The people of the locality and the people of Jhargram do not desire that a new subdivision should be created at Jhargram. The present arrangements are quite sufficient for their purposes. We know very well that the buildings at Jhargram, or rather the official buildings, have been completed to a very large extent; but buildings do not make a subdivision. Perhaps you are

aware that at the place where these buildings have been erected, there was nothing else but a jungle some time ago. The nearest habitation is the village of Jhargram, which is made up of a few hovels. In Jhargram itself there is no facility for drinking water, no market, no school, and altogether no habitation where persons, who may find it necessary to go to Jhargram may be able to put up. What Government therefore will have to do will be to lease out lands to people so that they may make permanent habitations there. After these habitations have been erected, Government will have to provide accommodation so that the people coming to the locality may take advantage of the new subdivision and the new quarters set up. I am told it was the intention of the Government not to pursue with the project till February, or rather till after the Council has signified its assent or rejection of the proposal.

The Hon'ble Sir HENRY WHEELER: I am afraid the member is misinformed.

Mr. HUSEYN SHAHEED SUHRAWARDY: I stand corrected; that was my information, but this I know that there is a subdivisional officer there at present at Jhargram, who receives petitions which can easily go to Midnapore, and I am told that, as a result, some parties go to Jhargram and some go to Midnapore, and since this subdivisional officer has gone there, not a single case has been practically disposed of. From this, it will be seen that the subdivisional officer at Jhargram is not in a position to receive appications, and that Jhargram itself, as at present situated, cannot be a boon to the locality. I would therefore ask the Hon'ble Member if he is so very anxious that this subdivision should be completed and if it is so necessary for the proper administration of the district of Midnapore, whether it cannot be abandoned for some time till the proper amenities of life can be provided there.

The Hon'ble Mr. KERR: I should like to say a few words on this question, not from any particular official standpoint but in the interests of a part of the country which I knew very well when I was Collector of Midnapore about 16 years ago. As Sir Henry Wheeler has said, the sadar subdivision of Midnapore covers an area of over 3,000 square miles. It is larger than many districts, and in the variety of its population and its land tenures, this so-called subdivision is a province in miniature. On the west of the subdivision, the extreme west, there is an area of about 1,200 square miles inhabited mainly by Sonthals and other aboriginal tribes. The centre of this tract, the village of Jhargram, is 40 or 50 miles away from Midnapore, and many of the outlying portions are still further away. Hitherto there has been no officer of Government permanently stationed in that tract above the rank of a sub-registrar or sub-inspector of police. This tract has given constant cause for anxiety during the past 20 years. There have been perennial troubles with the Midnapore Zamindary Company, and apart from this, agricultural questions of great difficulty and perplexity have forced themselves

to the front during the last quarter of a century. To deal with this out-of-the-way and difficult area, there has hitherto been no officer on the spot, and when any question has arisen, it has been necessary to send an officer from headquarters for an occasional hasty inquiry. A more unsatisfactory way of dealing with the problems which arise in an area of that kind, I cannot imagine. In view of my old connection with the place, I may be allowed to correct Sir Henry Wheeler on one point of ancient history. This proposal to create a subdivision in the jungly tract of Midnapore was made long before there was any thought of partitioning the district. When I went to the district in 1904 there was a scheme actually sanctioned—it had been sent up by my predecessor—for starting a subdivision at Garbeta, and as a matter of fact bricks were already being burnt for building a subdivision there when I joined at Midnapore. Representations were made to me that Garbeta, which is in the extreme north of the district, was not the best place for a subdivision, and it was pressed upon me that Jhargram, which is right in the middle of the tract, and has a railway station, was a suitable place. I agreed with this view and went up to Government and got them to cancel the scheme for a subdivision at Garbeta and to substitute this Jhargram scheme in its place. I have been sorry ever since that I allowed the Garbeta scheme to fall through. If we had allowed the scheme to go on, these jungly people would have had a subdivision at Garbeta for many years, although it was not the best site, but they would have been very much better off than they are at present. What I wish to point out is that this scheme for the creation of a subdivision at Jhargram was originally entirely independent of the scheme for the partition of the district. I may say that as far as my recollection goes, many people who were strongly opposed to the partition of the district as a whole, were strongly in favour of the creation of this subdivision; one of the people, to the best of my recollection, I am pretty certain I am correct, was Mr. K. B. Dutt, who was the leader of the opposition to the district partition, but he had many interests in the jungle tracts, and he entirely agreed with me that some subdivision was essential there for the purposes of administration. By this time after I had been at Midnapore for 18 months or so, the project for the partition of the district as a whole had come to the front. Government, as is the way of Government, decided to postpone the creation of a subdivision and to consider the partition of the district as a whole, but Government never realised that the partition of the district was going to take so long a time. There were difficulties with the Government of India, and other difficulties; and as a matttr of fact, the Midnapore partition scheme, as a whole, is still incomplete. That is the only reason why a subdivision at Jhargram was not started 16 years ago.

The real reason why we were so anxious to have a subdivision in this area was the unfortunate agrarian position of the Sonthals, and with regard to that there was also considerable delay in dealing with the

matter. The root of the trouble was that the Bengal Tenancy Act as it stood was entirely inappropriate to the Sonthals who are a thriftless, careless class of people. They were alienating their lands and were gradually being ousted from their lands by mahajans and other money-lenders, and instead of being free and independent cultivators, they were being reduced to the position of serfs and labourers. That problem was put up to the Government very early in this century, but Government naturally hesitated to pass any definite orders or to adopt any definite legislation, because, as I have explained before, there were no officers of Government of any standing who had any acquaintance with the tract and had made a proper study of the subject. Government decided therefore not to take up the decision of this question until the settlement of the record-of-rights were taken up in Midnapore. Well, the settlement began in Midnapore about 1905, but it was some time before it reached this jungly area and it was not until 1915, that Government felt itself able definitely to legislate. A Bill was then drawn up for regulating the transfer of agricultural lands in this portion of the Midnapore district. The Bill was on the lines of similar legislation in force in the Sonthal Parganas and Chota Nagpur from which the people come. That Bill was passed with complete unanimity by this Council in the year 1918, and has been in force ever since. The principle of the Bill following the legislation applicable to the Sonthals in other parts of India is that the transfer of agricultural lands by aboriginals to non-aboriginals is forbidden except with the sanction of the Collector, and the Collector is given power to interfere in the case of these transactions and see that the village lands are not allowed to pass into the hands of outsiders. It is quite obvious that to work a special law of this kind, which I repeat was passed with the full consent of this Council, and with a desire on the part of the Council to protect and benefit these cultivators, it is necessary to have an officer who is resident in the area among the people who are affected. I shall quote here from the remarks made by Sir Duncan Macpherson, a very shrewd officer, whom many members of this Council will remember, with great experience of the Sonthal people and very successful, in dealing with them. He said—

> I should therefore welcome the adoption of effective means everywhere to preserve the peasantry on their lands. But I am equally convinced from experience of the working of the Sonthal Parganas system that it would be little use merely to enact a law prohibiting alienation. There must also be created an executive machinery which will intervene *suo motu* whenever it gets the opportunity, and certainly peiodically to see that the law is obeyed and to evict objectionable outsiders who have got hold of the lands of the old cultivators.

This is the opinion of Sir Duncan Macpherson, and the opinion of everyone who has studied, as I have had occasion to do, this question of keeping the aboriginals on their lands. You cannot work a law like this except with the help of an officer, a sympathetic officer, working in close touch with the agricultural population. As might be expected, this law, which the Council passed in 1918, is practically a dead letter.

I find from the last Land Revenue Administration Report that all that is being done is to deal with applications for the alienation of lands, and in 1920 permission was granted in 20 cases and in 16 it was refused. Now the method of dealing with those applications at the present moment is thoroughly unsatisfactory; they go to a deputy collector sitting in Midnapore who disposes of them in his office room, or perhaps after paying a hasty visit to the spot; neither of these measures is sufficient to ensure the matter being properly treated.

Those who have not been in this area probably do not realise that this particular tract, of which I am speaking, is not really Bengal at all. It is an offshoot of Chota Nagpur and the jungles and hovels as they have been called—comfortable huts I should call them—and the conditions of life are typical of the conditions of life in the adjacent district of Singbhum. We have too long neglected the interests of these unfortunate aboriginals. I have not the slightest doubt that they will derive much benefit by having a subdivisional officer on the spot to turn to. They will not worry about the absence of schools and hospitals and other amenities, but they will turn to their subdivisional officer for help, whether he is at his headquarters at Jhargram which is in the centre of the locality or when he goes on tour, as I hope he will do for greater part of the year. I say that the fact that it has been decided for the time being to abandon the general partition of the district is no reason whatever for postponing the creation of this subdivision. When it was decided by Government that the general partition of the district must be dropped for financial reasons, I was the first to urge from my local knowledge, that the Jhargram scheme should be completed. The cost of the scheme will be insignificant,—it will only be a matter of a few clerks, because the subdivisional officer will be an officer who would be stationed at Midnapore if there was no subdivision at Jhargram. The cost will be insignificant, but the benefit to these thriftless and helpless cultivators will be immense.

We have heard a good deal in Council during the last two or three days about the duties of this Council towards the poor cultivators of Bengal. Here is an opportunity for the Council to do some real benefit to these poor, ignorant people who are living in this remote area, and I hope the Council will not miss that opportunity.

Babu DEVENDRA LAL KHAN: I rise to support the Hon'ble Sir Henry Wheeler's demand. When I opposed the proposed partition of Midnapore, last month, we were given to understand that it was only the district that was to be divided as a whole. This proposal to create a new subdivision within the district has my entire support, as I consider that it will help in the efficient administration of the district. As far as I know, there is no real opposition from the people of the district with regard to this proposal. The only opposition that I know of is from the Midnapore Zamindary Company and their agents. With these few words, I beg to support this demand.

Maulvi MUHAMMAD ABDUL JUBBAR PAHLOWAN: I cannot but support the demand made by the Hon'ble Sir Henry Wheeler which I think is for the special benefit of the people of the district of Midnapore, and I am quite sure that it will have the support of the whole House also. I may mention here that I have come to learn that there is a Company known as the Midnapore Zamindary Company; this Company has made itself notorious for its oppression of its tenants. I have heard from some of my friends in this Council that this Company inflicts inhuman torture on the poor raiyats. I also heard of the torture by this Company when I was a member of the Moslem League; if this subdivision is created, I think it will be for the benefit of these poor raiyats as they will be under the direct protection of the subdivisional officer, so I support the motion.

The Hon'ble Sir HENRY WHEELER: I have nothing to add to what the Hon'ble Mr. Kerr has said.

Babu SURENDRA NATH MALLIK: My support or opposition to this demand depends on any information that Government can give me as regards the Company known as the Midnapore Zamindary Company. Inquiries have been made as regards the alleged ill-treatment of the tenants by this Company. Is there any information before the Government so far as that Company is concerned; is there any truth in the above statement?

The Hon'ble Sir HENRY WHEELER: We cannot answer any general question of this nature. All that we can say is, as Mr. Kerr has said, that for some time past there have been frequent troubles in this area. It is also the case that the Midnapore Zamindary Company, amongst others, are interested there as landlords.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I was one of those gentlemen who were instrumental in getting the Midnapore partition scheme defeated, but then I said that the addition of a subdivision was necessary and I am not going to go back upon my words. I think that the addition of a subdivision is necessary. It is not always right to oppose the Government in matters affecting the welfare of the country. After what I have heard just now about the Midnapore Zamindary Company, I wonder how any person present here and calling himself a friend of the poor and an enemy of oppressors should vote against the establishment of a subdivision with an Indian Deputy Magistrate to protect the poor. It is said that the place is situate in the midst of a jungle. I know Midnapore has a very large area full of jungle and I think the establishment of a subdivision will be instrumental in developing the jungle area and I believe the cost will be repaid a thousandfold by developing that area. Though I am very often against the Government I cannot go against them this time.

The motion of Babu Sarat Chandra Janah that the demand be refused, was then put and a division was taken with the following result:—

AYES.

Janah, Babu Sarat Chandra.	Moitra, Dr. Jatindra Nath.
Khan, Maulvi Hamid-ud-din.	Mukhopadhya, Babu Sarat Chandra.

NOES.

Afzal, Nawabzada K. M., Khan Bahadur.	Karim, Maulvi Fazlul.
Ahmed, Khan Bahadur, Maulvi Emaduddin.	Kerr, the Hon'ble Mr. J. H.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.	Khan, Babu Devendra Lal.
Ahmed, Maulvi Azaharuddin.	Khan, Maulvi Md. Rafique Uddin.
Ali, Maulvi Syed Muksood.	Khan, Mr. Razaur Rahman.
Ali, Mr. Syed Erfan.	Lang, Mr. J.
Ali, Munshi Amir	Maharajadhiraja Bahadur of Burdwan.
Ali, Munshi Ayub.	the Hon'ble
Azam, Khan Bahadur Khwaja Mohamed.	Mallik, Babu Surendra Nath.
Banerjea, the Hon'ble Sir Surendra Nath.	Mitra, Rai Bahadur Mahendra Chandra.
Barton, Mr. H.	Mitter, the Hon'ble Mr. P. C.
Bass, Mr. E. E.	Nakey, Mirza Muhammad Ali.
Bose, Mr. S. M.	Nasker, Babu Hem Chandra.
Bharmakar, Babu Rasik Chandra.	Pahlowan, Maulvi Md. Abdul Jubbar.
Chaudhuri, Babu Tankanath.	Rahim, the Hon'ble Sir Abd-ur-.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.	Rauf, Maulvi Shah Abdur.
Chaudhuri, Maulvi Shah Muhammad.	Ray, Rai Bahadur Upendra Lal.
Chaudhuri, Rai Harendranath.	Ray Chaudhury, Raja Manmatha Nath.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.	Robinson, Major-General W. H. B.
Cohen, Mr. D. J.	Roy, Babu Nalini Nath.
Das, Babu Bhismadev.	Roy, Maharaja Bahadur Kshaunish Chandra.
Das Gupta, Rai Bahadur Nibaran Chandra.	Roy, Mr. Bijoy Prosad Singh.
Dass, Babu Fanindralal.	Roy, Rai Bahadur Lalit Mohan Singh.
Doss, Rai Bahadur Pyari Lal.	Roy, Raja Manilall Singh.
Dutt, Mr. Ajoy Chunder.	Roy Chaudhuri, Babu Sailaja Nath.
Duval, Mr. H. P.	Salam, Khan Bahadur Abdus.
Faroqui, Mr. K. C. M.	Sarkar, Babu Rishindra Nath.
Fenoh, Mr. F. C.	Skinner, Mr. H. E.
Ghose, Mr. D. C.	Spry, Mr. H. E.
Ghose, Rai Bahadur Jogendra Chunder.	Stephenson, Mr. H. L.
Goode, Mr. S. W.	Suhrawardy, Dr. A.
Gorden, Mr. A. D.	Suhrawardy, Dr. Hassan.
Hopkyns, Mr. W. S.	Swan, Mr. J. A. L.
Huntingford, Mr. G. T.	Walsh, Mr. C. P.
Karim, Maulvi Abdul.	Wheeler, the Hon'ble Sir Henry.
	Wordsworth, Mr. W. C.

The Ayes being 4, and the Noes 70, the motion was lost.

The DEPUTY-PRESIDENT: I do not think that the mover was quite justified in asking for a division.

The original motion of the Hon'ble Sir Henry Wheeler was then put and agreed to.

The DEPUTY-PRESIDENT: Gentlemen, I may inform you that the time appointed by His Excellency the Governor for the disposal of business is as follows:—

The balance of to-day and to-morrow is allotted for the discussion of the demands under heads "5.—Land Revenue" and "22.—General Administration," which includes also the pay of Ministers; 30th and 31st January are allotted for the discussion of the grant

under the head " 25.—Police and the remaining heads; that is to say at 7 o'clock to-morrow evening, whether the discussion on the Ministers' salaries is finished or not, I shall have to put to the vote the motions for the demands up to " 22.—General Administration," and similarly at 6-45 P.M. on the 31st January, I shall have to put to the vote, without further discussion, the remaining demands under heads " 26.—Police," " 31.—Education," *et seq.*

The 1st, 6th and 7th February will be devoted to non-official business, *i.e.*, the moving of resolutions.

The Hon'ble Sir HENRY WHEELER: I move " that a sum of Rs 1,92,000 be granted for the salaries of Ministers for the current year."

A motion of this kind, moved in the month of January, when the financial year expires in March, is naturally, on the face of it, a curious one. But the circumstances in which it is moved will be within the recollection of the Council, and by reason of those circumstances, the demand for which I am now asking, though in effect new and covering a sum of money of appreciable size, is really a mere rectification of an irregularity which was committed early last year. The Council will remember that in February last we had a protracted debate as to the appropriate figure at which the salaries of Ministers should be fixed—a debate which, I think, put up a record for the lateness of the hour of sitting, a record which has fortunately not since been repeated; but the lateness of that hour was an indication of the thoroughness with which the question was discussed, and as a result the Council decided that the present figure at which the Ministers are remunerated was an appropriate one. Following that debate, which was on a resolution moved under section 52 of the Government of India Act, we were advised that the decision over-ruled another section of the Act, by which, had that decision not been arrived at, the salary of Ministers would have appeared as a " voted " item in the budget, and would have been open to discussion in connection with the budget. That was the legal advice we were given, and on that legal advice we had to act. Consequently, when the budget for the current year was placed before the Council, this item appeared as a " non-voted " one. That fact excited, and justifiably excited, considerable comment at the time, and I made a statement here explaining the position, of which I may remind the Council, and promising that we would take legal opinion whether the advice which we were then given was correct or not. The law officers at home have since expressed the opinion that we had been wrong, and that we should have included this matter of the Ministers' salary in the " voted " items of the budget. Consequently, an irregularity, though a perfectly *bonâ fide* one, has been committed, and that irregularity we have now got to put right by covering this expenditure by a regular vote of the Council. But I put it to the Council that the circumstances

which I have just detailed, do render this vote in effect a rectification of an irregularity and not a new sanction. The Council came to their previous opinion in February last after mature deliberation, and it is to be assumed that, had they been asked to vote in the matter in March last, they would have come again to the same conclusion. That, I think, is a fair assumption, merely complimentary to the good-sense and consistency of the Council. Because the Council were not asked to ratify their decision in March last, they are now asked to ratify it in January.

Viewing the matter in that light, I do not propose to repeat at length the arguments which I advanced in the course of the speech which I made in February last. The two main lines that I then took on the merits of the figure at which it was proposed that Ministers should be remunerated, were that it was in accordance with the views expressed before the Joint Committee that, in status, Members and Ministers should be on a par; and, apart from that fact, the figure was not more than that at which, looking to the circumstances of the present-day market, the province might hope to secure the services of men of the calibre competent to perform the duties of Ministers. These were the two main lines I advanced, and I still maintain that they are justifiable. We have now got a list of eleven amendments which vary somewhat in form. The amendment of Rai Harendranath Chaudhuri is characterised by considerable thoroughness in that he would give the Ministers nothing, and of course it should be understood that if that amendment was passed in that form the Ministers would have to refund considerable sums already drawn.

Kumar SHIB SHEKHARESWAR RAY: I rise to a point of order. Is Rai Harendranath Chaudhuri's motion before the House now? Has the Hon'ble Member any right to discuss it now?

The Hon'ble Sir HENRY WHEELER: I do not propose to discuss it now. The other amendments vary from total abolition to a series of deductions, the lowest rung of the ladder, so far as I can make out, being a cut from each Minister's salary of a sum of Rs. 7,000. I am not aware by what arguments the various movers of these amendments will seek to justify the figures that they have chosen, and that fact alone would prevent me from discussing these individual amendments now. But if the arguments which are given in support of these amendments are as to the propriety of the pay now given, as such, then I would refer the Council to the two lines of argument, to which I have already made reference, which I took in February last. If, on the other hand, the argument which we are to hear is that the pay of Ministers should be cut as a vote of censure against the Ministers for any action taken by them, then I ask the Council to distinguish carefully whether that action is on the transferred or on the reserved side of

Government. If the Ministers are to be censured for anything done by them on the transferred side, then, I, with perfect propriety, wash my hands of them and leave it to them, as no doubt they will be fully able to do, to justify themselves. If, on the other hand, the action referred to is action on the reserved side of Government, then I put it to the Council that the contention is not in accordance with the constitution under which we are now working. The Ministers are not responsible for the action of Government on the reserved side; and it is not sound to base a vote of censure on a Minister on anything which has been done on the reserved side of the Government, for which he is not, under the constitution, responsible, and in respect of which it would have been improper and contrary to the constitution for him to have endeavoured to assume responsibility in the sense which, presumably, some of the movers of the amendments would advocate. Not having yet heard movers of the amendments, I am not aware which line will be taken, and I only advance these general considerations in order that the Council may give them their attention in weighing any of the speeches which we may hear in support of, or against, these amendments.

Rai HARENDRANATH CHAUDHURI: In spite of the would-have-been or coming caustic comments of the Hon'ble Sir Henry Wheeler, I beg to move "that the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be refused."

I admit that my proposal is of a unique nature. I further admit that nobody has ever made such a suggestion before. But my reply is that I have taken up this position because of the arguments advanced by the supporters of the Ministers' salary. My reply is that nobody made such a suggestion before, because nobody bargained for such a financial situation which, I think, as I have explained in another connection before, is a constitutional crisis of the first magnitude. And I say I have taken up this position because our Hon'ble Ministers are pursuing a policy and a line of action which nobody imagined they would think fit to pursue.

Now to develop my first point, what I mean to say is this: that if it be seriously argued that any the least reduction in Ministers' salary will go to make an invidious distinction—will make them unequal in rank and inferior in status to the members of the Executive Council and further will make the Hon'ble Ministers look small in the eyes of their subordinates who draw larger salaries, then we are left with two and only two alternatives—either we must acquiesce in the salary being fixed at Rs. 64,000 per annum or must say that these posts should carry no salary at all. Anyone, therefore, who honestly thinks that it is impossible to approve of such a princely salary for the Minister of a poor country, that it is much too exorbitant for the administration of certain fundless departments in the governance of a dying, diseased, mostly

illiterate, half-fed and ill-clad people, that it is much too unjustifiable for the Minister of a province whose public health marks the very lowest standard which can afford to spend (in comparison with some other major provinces) the least for primary education, which does not yield quite sufficient staple food for the people, which does not show any appreciable progress in this respect even after the activities of the Agricultural Department for more than a decade and whose industry is in such a state that what was known as " the land of muslin " does not now produce sufficient cloth of any kind to cover its shame, anybody who honestly thinks in this way, can only propose in view of the objections to the reduction of the Ministers' salary that these posts should be altogether honorary *for the present.*

There is another compelling consideration arising out of the logic of the present financial situation and the loyalty which the Ministers owe to the people. A venerable gentleman in course of a special pleading in the columns of a newspaper has suggested that the question of the Ministers' salary " goes to the very root of the constitution " and that it must be dealt with with reference to their constitutional position and responsibility. Let me admit that this is so, and admitting it I am compelled to refer to the serious and hopeless financial situation or constiutional impasse that has just been met by a series of further economic injustice, *viz.*,that in spite of the fact that Bengal raises very large revenue, three new taxes have been imposed on the people just to carry on the ordinary administration—just to cover up a *constitutional* deficit. Now under these circumstances that portion of the Executive Government which is not responsible to the people, may not feel any trouble and on the contrary may feel quite easy in their mind. But what about the Ministers—their cherished convictions, repeated assertions and their professed hopes? In 1919, one of the Hon'ble Ministers remarked from the non-official Bench of this Council :—

> It is necessary to find out how far the income of the State can be increased without additional taxation. The question of additional taxation ought to come after we have exhausted these possibilities.

I do not know if these possibilities have been exhausted or not but I know this much that in February 1921, the same Hon'ble Minister declared :—

> The responsibility for this injustice (*i.e.*, the new financial arrangement) lies very greatly with the Government of India.
>
> As one responsible to the Council, and through the Council to the people of Bengal, I venture to assert once more with the utmost respect that if any authority, however high, tries to ignore or to explain away this binding award, I feel it would be my clear duty and your clear duty too and the clear duty of that section of the public of Bengal who should stand out for the success of the Reforms, to take such steps in the matter as they think proper. I deem that it would be our duty to start a movement to get this injustice remedied by all legitimate means at our command. It will be our duty to go from town to town, from village to village, and to tell our people the story of this injustice and to so arrange matters that Bengal as one man will put forth all its efforts to remedy this injustice.

I do not know if the Hon'ble Minister then meant to start the movement by sitting tight on the official bench and whether he meant to carry on the contemplated propaganda from village to village with travelling allowance drawn from the public exchequer, but what I do know is that again in connection with the last budget discussion the same Hon'ble Ministers remarked:—

Although these are possible sources of taxation, yet there is one good reason why I object to any fresh taxation at the present moment. I feel that it will not be right to tax Bengal, when the people will not be getting any advantage from that taxation. The deficit in the Budget is due to the limitations imposed upon us by the Government of India. I feel it will not be right to impose any fresh taxation for carrying on the ordinary administration of the reserved and transferred departments. If in future we improve education or sanitation, it may be quite open to us to come forward with schemes for fresh taxation. But to tax Bengal for the purpose of making up deficit, for which Bengal is not responsible, to my mind would be unjust.

Now that "unjust" thing has come to pass, "what is not right" has through the Ministers' support eventuated and three new taxes have been imposed, because, to quote again the language of our Hon'ble Minister, "some body else has blundered." Will those Hon'ble Ministers now, besides accusing the Indian Legislative Assembly, besides advising my friend Kumar Shib Shekhareswar Ray to try his conclusions with the Indian Legislative Assembly, besides questioning the conduct of my friend Dr. Moitra for not approaching the villagers and preaching them a sermon on the injustice of the Meston arrangement, do anything to convince their countrymen that their cherished convictions, their glib assurances are worth anything? I do not suggest that they should resign although instances of Ministerial resignation on less vital issues are not unknown in other self-governing and self-respecting countries; but will they forego their salary, will they refuse to claim remuneration for serving their countrymen so long as the new Taxation Acts stand, so long as the Meston arrangement is not reversed? "No." They will simply assure their countrymen that they stand by their conviction, that they stand by every word of their utterances. They stand by their conviction forsooth. The people of Bengal might well say: "well, what are your convictions worth if they are reflected only in your speeches and not in your conduct? What are your convictions worth if after waiting for a year you can suffer them to be ignored and what is more you can stand by the reserved half of the Government and fasten the responsibility for carrying on the administration on your poor countrymen "because somebody else has blundered"? Of what value, are these considered opinions, if in spite of these, you can sit tight by the Hon'ble Finance Member, assure your countrymen that the very irreducible minimum in expenditure has been reached, call upon your countrymen to make further sacrifice when you are demanding in the same breath that the full quota of your salary—your pound flesh—must be paid? How again to assess the value of your convictions when you

misquote the example of taxation in Japan mostly, if not wholly, for truly nation-building purposes and shut your eyes and seal ears when the pay of the Prime Minister of Japan is quoted in your face? Sir, so much about the barren convictions, the beguiling assurances, and the bulked hopes.

I now come to the next ground on which I urge this refusal, *viz.*, the line of action and policy pursued by our Hon'ble Ministers, beginning from the vote on the Darjeeling exodus and ending wth their acquiesance in their present repressive policy. I do not like to refer the small mercies denied by the Hon'ble Ministers and their opposition to the proposals for extending charitable dispensaries or for establishing an agricultural school here and there, but what I do refer to is that Chandpur and Chittagong have been possible during their régime and that their conduct in this crisis since the last few months has so much discredited the Reforms that repression is gaining ground even among the bulk of moderate thinkers outside this Council that the Reforms, although a year old, have been tried and found wanting.

Rai UPENDRA LAL RAY Bahadur: Last year when the question of the salaries of Ministers was discussed in this Council, I could not take part in the debate as I had not made an affirmation of my allegiance till then and although I was able to come for a few minutes to the Council Chamber on the 11th of February last, I had to leave very soon for my work on a Committee which was then sitting at Calcutta. I have, however, read with interest the speeches of all the Members—official and non-official—who took part in that debate. Since then the situation has changed and what was then considered by the legal advisers of this Government as a "non-voted" item of expenditure has now been ruled by constitutional lawyers in England as a "voted" subject. This has given rise to the present discussion. It does not look well for us, the non-official elected members of this Council, to oppose the demand for grant of salaries to our Ministers so often, but the situation has been forced upon us by the opinion of this Government's lawyers and, I am afraid, the question may have to be taken up very soon again at the time of discussion of the budget.

I realise that any reduction in the salaries of the Ministers will be a source of immense grief to them as they will have to refund heavy amounts already in their pockets. I have the fullest sympathy for them on this score as one can ill-afford to lose money earned in good faith; but when we look round and find that the financial condition of the Government is in a deplorable condition and it is faced with a heavy deficit we cannot but devote our energies to economy in whatever shape we can effect it. To do so we must begin from the higher appointments and must take up those which we are entitled to handle.

Enough has been said about the prestige which the position of a Minister carries with it and no one can deny it, but to keep up one's prestige he has to see whether the department under his control has

its own prestige. A manager of a business firm cannot be said to enjoy high prestige by drawing a big salary when the business fails. A fat emolument does not imply greater responsibilities. If we look back to past history in this very country we find that the Ministers of Government were Brahmins and Pandits and what was their pay? Only the other day we heard one of the Ministers belonging to this community speak of *dakshina* after a dinner. Surely he has not forgotten past history of this country.

About responsibilities I need not dwell at length, but whatever opinion I had had on this subject was altered after what I saw at the Council meeting on the 19th December last, when although challenged by several speakers none of the Ministers thought it necessary to speak and what they could have said if they liked. We have now learnt to our surprise from the Hon'ble Sir Henry Wheeler that the Ministers have no hand in what is done by the Members in charge of the reserved subjects and it follows that they are not taken into the confidence of the Members of the Government on that side. I leave it to my countrymen to judge about the position and prestige of the Ministers in charge of the transferred subjects.

The point at issue is whether we should continue paying high salaries to our Ministers our own elected representatives—in the present state of the finances and whether the appointments require such salaries.

The argument that a higher officer must have a higher salary is not always applicable on the ground of either efficiency or prestige. If it were so, many of the illiterate drivers of motor-cars and taxis would rank higher than some of the ministerial officers and members of the subordinate services. The Chairmen of local bodies, I mean District Boards and Municipalities, can very easily control their executive officers on high pay although they themselves do not draw any salaries. If prestige were the only consideration, I am sure the Ministers would have risen very high in the estimation of the public if they acted without any pay. I would have supported Rai Harendranath Chaudhuri's resolution but for the fact that in the discharge of their duties and in maintaining their position and dignity our Ministers have to incur a good deal of expenditure and unless they are compensated for it they cannot be expected to devote such attention as the nature of their work requires.

It is admitted that the costs of administration have become very heavy and to meet the deficit in the Budget attempts are being made to augment the resources by all possible means of fresh taxation. Has anyone ever seriously thought whether the country is in a position to pay any more taxes? I admit that during the period of the war people did not protest so strongly against imposition of temporary additional taxes as they were making extra profits in business and in other ways, but in the present days when the reverse has happened any small addition to their expenditure will be seriously resented.

I quote an extract from the *Englishman* of the 20th September last under the heading *Wage reduction*, dated London, the 29th August—

Wage reductions aggregating many millions sterling will commence in September. These will affect 300,000 civil servants, 160,000 municipal and local authorities staff, 700,000 builders and 500,000 agricultural workers.

Only the other day Lord Inchcape presiding over the annual meeting of the Shareholders of the Peninsula and Oriental Steamship Company admitted that the salaries and staff of Ministers have to be reduced. If this is the state of things in Great Britain at the present moment what are we to do in India?

Should we not try to curtail expenditure in all possible ways; and unless we can see our way to start with our own representatives how can we expect to effect economy in other directions?

My friend Rai Jogendra Chunder Ghose Bahadur, in his address on the subject last year, gave us a list of the salaries drawn by Ministers in other countries much richer than India and I need not repeat them again. I fail to understand why the salary proposed by me should not be sufficient to the members of this branch of the Administration for decent living. We must forget all sentiments and give up comparisons. I would not have grudged payment of higher salaries if the country was in a position to meet it. The time has come when we should practise economy in all directions, and although the saving to be effected by this reduction may not be very great, it will certainly help in reducing the margin of deficit for the current year to an appreciable extent. I am not aware whether any of our generous Ministers has fulfiled his promise of giving away Rs. 16,000 in charity. I am not sorry if this has not been done. The fact, however, remains that they can manage with Rs. 4,000 a month. With the reduction proposed by me we can have certain crying needs of the country removed. If my proposal is accepted, this will give us a saving of Rs. 1,20,000 with which we can have at least one water-works or two medical schools opened in some places where they are wanted or turning to modest schemes we can have 80 new tanks excavated in different parts of the province, taking the average cost of a tank at Rs. 1,500 each. I do not like to comment on the work done by our worthy and veteran Ministers, but can say without fear of contradiction that the country can never appreciate or relish an advice to borrow money or impose fresh taxation for meeting the expenditure of any establishment or institution. The only remedy lies in the reduction of the costs of administration and we feel it our duty to point out to the Government, whenever an opportunity presents itself, that they should aim at economy and not extravagance.

In answer to a challenge by my friend, Babu Surendra Nath Mallik on the 24th instant, the Hon'ble Sir Surendra Nath Banerjea told us with his experience of half a century that unless money is found out by fresh taxation he will not be able to combat the scourge of malaria and people will die in thousands. When the new taxation Bills were introduced we were told that they were meant for meeting the deficit in the

budget. Some members of this Council suggested that an assurance might be given that the moneys to be realised by fresh taxation would be earmarked for objects of this nature, but none of our Ministers came forward with an assurance of this sort. In fact, the sole object of these new burdens is to meet the heavy costs of administration—the creation of the new Reforms. How then can we expect our Minister for Self-Government to drive away the malady, as he hopes? If really he has the welfare and the sanitation of the country at heart he should set an example by a small sacrifice and the money saved thereby will to a great extent help him to combat the disease, if not elsewhere, at least in one village union every year. Similar sacrifices on the part of the other Ministers also will enable them to give some relief in their own departments. They are afraid of losing prestige, but acts of sacrifice raise a man much higher in the estimation of the public than acts of extortion if I may use the term.

We shall not be satisfied until and unless we see that our Ministers are sympathetic with us. Real sympathy lies not only in the expressions of good wishes for the people at large but also in acting accordingly.

The Hon'ble Minister advised us to think of our conscience and the duty imposed on us by God. I thank him for this piece of valuable advice and conclude by saying that it is our conscience and our duty to the country which dictate that we should practise economy and not extravagance and should never pay any man, whoever he may be, more than is actually necessary and more than we are in a position to pay. I can assure him that if both he and other members of this House can live for six months more they will find the same death-rate as at present. Silver tonic no doubt prolongs a man's life. If the tonic is available for the masses it will certainly increase their vitality, but in trying to administer the medicine to a few we shall deprive the many whose cause our Ministers would make us believe that they are advocating. For all these reasons and relying on the principle of economy alone, I beg to commend this amendment to the House for acceptance. I have not the least intention to throw any obstacles in the way of their administration, but ask them once more to consider whether in the interests of the community they should not accept our proposal. If they persist, we have no other alternative than to press our points.

Maulvi MUHAMMAD ABDUL JUBBAR PAHLOWAN: Last year I proposed in this Council to fix the salary of the Ministers at Rs. 1,000 each a month, but it was to no effect. This year I have proposed to fix it at Rs. 2,000, but I am doubtful whether even now I shall be able to put my motion through, because I see that the taxation Bills have been passed in spite of our protests. When I think of the tenants and raiyats who are starving and who are dying of cholera and malaria, I cannot but press my amendment, although in the name of prestige, our Ministers are demanding Rs. 64,000. My resolution is the same as that

of Rai Upendra Lal Ray Bahadur and I withdraw my motion in favour of his.

Babu INDU BHUSHAN DUTTA: I move " that the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 96,000."

I think I ought to explain first of all how I arrive at the figure Rs. 96,000. When my amendment was sent in December last, I calculated that the Hon'ble Ministers had already taken their salaries up to November, *i.e.*, for eight months of the year. It is not my desire to ask this Council to be so ungracious as to ask these honourable gentlemen to refund the legitimate salary that they had taken " in good faith." But, as they have been paid for these eight months at the rate of Rs. 64,000 a year, which I consider to be an extraordinary high rate, I suggest that they should not take anything for the next four months. The salary of the three Hon'ble Ministers for four months comes to Rs. 64,000. Then there remains the balance of Rs. 32,000. How do I get at this figure? It is thus: The Council will notice that I said just now that I did not want to cut down the *legitimate* salary that they had already taken. But what is this legitimate salary? I hope this Council has not forgotten the eloquent words uttered amidst cheers and applause by the Hon'ble Sir Surendra Nath Banerjea at the end of the Ministers' salaries debate in this Council. He said—" I desire to say on behalf of the Ministers that we have decided to take only Rs. 48,000 for our personal expenses and devote the rest to public purposes."

Now, to discuss a matter of charity is a very delicate matter, and it would be bad taste on my part to refer to it. But the statement was made publicly in open Council, and if I am not much mistaken, the foreshadow of this statement did affect the voting on the question of Ministers' salaries. I, therefore, think that the Council has a right to know how these funds have been devoted. As no public announcement has been made in this Council about this, I think I shall not be wrong if I adjust the *legitimate* salary at Rs. 4,000 a month and request the Hon'ble Ministers to place the amount, that they have taken beyond this rate, at the disposal of the Council. For the last eight months, this sum works out at Rs. 32,000 for the three Hon'ble Ministers. This, with the Rs. 64,000 that I have already mentioned, brings up the total to Rs. 96,000 which, as will be apparent, provides for Rs. 32,000 a year for each Hon'ble Minister, a rate of salary which ought to be enough for any Minister in a poor country like ours.

Now, for the reasons as to why I want to reduce the amount. My reasons are fourfold:—

First—as a matter of financial economy,

Second—as a protest against the excessively high cost of administration,

Third—as fixing a standard of the highest salary that can be paid by this province, and

Last, but not least, as a vote of want of confidence on the Ministers for their evident failure to support the views and susceptibilities of the people in the administration and specially in the recent repressive policy of the Government of Bengal.

The first three reasons were fully discussed in the course of the debate on the Ministers' salaries in this Council nearly 11 months ago, and it would be useless to repeat the same arguments to-day.

When we find that our province has to be taxed, to the extent of nearly 15 per cent. of its revenue, in order to meet the ordinary costs of administration, is it conceivable that there is anybody in this Council, who does not honestly feel that the cost of administration is much too heavy? But, I forget, that though the blind may be made to see and the deaf may be made to hear there are people in this Council who have eyes and yet, will not see, who have ears and yet, will not hear. For them, I have no arguments. For others, I say, we must protest against this high cost of administration.

We have been confronted with the taunt that we have no power to reduce the high salaries of the Imperial Service men and yet we come to meddle with our own men. This is just my point. Unless our own men—men who call themselves representatives of the people—will take a lower standard of salary, how can we ask others to do the same? Let our Ministers declare, by their example, that Rs. 2,500 a month is the highest salary that Bengal can afford to pay even to its highest administrators; then the time will not be very distant when the Secretary of State and the British Parliament will be obliged to recognise that the scale of salaries of the public services must be fixed at a lower standard. And that lower standard will go a long way in paving the way for the Indianisation of the services.

I have heard it seriously argued that a lower salary will lower the prestige of our Hon'ble Ministers. I do not know, that, with all their high salary, they have much prestige in the country, but to suggest that money-value of a post determines its prestige is an insult to the intelligence of anybody with any amount of commonsense—No, Sir, it is not money that carries prestige; it is "merit" and "ability." If a man has true ability, it does not matter how much he gets, he will have true prestige. The late Mr. Gokhale used to get Rs. 75 per mensem from the Poona Ferguson College— and I should like to see any of the 64,000 rupee-men commanding such prestige as Mr. Gokhale did. There are seven hon'ble gentlemen in Bengal who get Rs. 64,000 a year. May I ask this Council, may I ask the Ministers themselves if all these gentlemen have the same amount of prestige? No, Sir, money is not the real test. It is but the guinea stamp; the true man is the real gold.

We have lately heard a great deal about Japan in this Council and the Hon'ble Minister for Education has given us a homily on Japan and its taxation. May I ask the Hon'ble Minister if he knows what salary the Prime Minister of Japan gets? If he will agree to accept that salary, we shall all agree to take our lessons about Japan from him; if not, he had better keep his knowledge of Japan to himself. Then again, we have been told by reducing the Ministers' salary, the saving will be so little as not to be worth the candle. I am sorry that I cannot agree with this view. In this poor country, where the average income of an individual is barely Rs. 25 a year, even a saving of a rupee means a great deal. If we can cut down the Rs. 96,000 that I want to cut down, we can have a medical school, the need of which is so keenly felt in our part of the country—or we can send out 50 medical men to give medical aid or sanitary education to the poor villagers in the mufassal. Indeed, there are many useful things that can be done with this amount, that it is a wonder that there should be any question about it.

So much for the economic and financial grounds. To come now to the constitutional ground. The people, Sir, have a right to ask what the Hon'ble Ministers have to say about the repressive policy that has been so ruthlessly inaugurated in this country? What is their share in this sorry business? In course of the debate in this Council on the 19th December last, the Hon'ble the Maharaja Bahadur of Burdwan, while accepting responsibility on behalf of the executive half of the Government, practically invited the Hon'ble Ministers to say what share they had. But the Hon'ble Ministers have remained strangely silent. I have heard it said that they knew nothing about this matter. Is that true? If so, how can that be? The report of the Joint Parliamentary Committee is very clear on this point. They say:—

> They regard it as of the highest importance that the Governor should foster the habit of free consultation between both halves of the Government, and indeed he should insist upon it on all important matters of common interest. He will thus ensure that Ministers will contribute their knowledge of the peoples' wishes and susceptibilities, and the Members of the Executive Council their administrative experience.

The Hon'ble Sir SURENDRA NATH BANERJEA: My friend does not read the second portion.

Babu INDU BHUSHAN DUTTA: I leave it to others to read the second portion.

Were the Ministers asked to contribute their knowledge of the people's wishes and susceptibilities? If they were not, then, their duty was clear, they ought to have resigned as a protest on a question of principle. If they were asked and did not oppose, then, they grievously betrayed the views and susceptibilities of the people and have lost the confidence of this Council and of the nation. If they did oppose, and

their advice was not listened to, then in a critical matter like this, they should have resigned as a protest against this policy. As they have not resigned, the Council can have no confidence in them. One of our Hon'ble Ministers has often declared that Bengal cannot be taxed because somebody else has blundered, and in spite of our persistent demands during the last four days, we have not been able to draw him out to give us his reason for his change of policy. Then again, Sir, when the public health of Chandpur was endangered in those memorable days of misery, the suffering people in vain looked for the Minister of Public Health to come down from the cool heights of Darjeeling and soothe the suffering people. But he remained in his giddy height. People wondered was this representative Government?

In whatever way we may look at it, the people have no confidence in the Ministers. And the Council must give effect to this view. The only constitutional manner in which this Council can express that want of confidence is to cut their salary, and this, I entreat the members of this Council to do.

The opinion of the country regarding the Ministers' salaries is only too well-known. If this Council fails to represent this view, then it will be truly said that this Council does not represent the people of Bengal, and as such, has no justification to exist.

Mr. TARIT BHUSAN ROY: I regret it is my melancholy duty to move for the reduction of the demand for Ministers' salaries to Rs. 90,000. Every one knows it is a belated demand. I may perhaps be pardoned if I refer, in this connection, to the somewhat heated debate upon this question of reduction about a year ago, and which eventually culminated in the dramatic exit of my redoubtable friend Rai Jogendra Chunder Ghose Bahadur from the Council Chamber. The close of that memorable chapter did not mean a final drop of the curtain. Within a few days thereafter the budget was presented—one of the voted items therein being again the Ministers' salaries. This item however was withdrawn from the vote of the Council, as we understood at the time, upon the view that the Council had forfeited the valued right of voting upon it once every year by the merest accident. The soundness of this view was seriously doubted at the time and for testing it I at once gave notice of a motion which was naturally disallowed.

Mr. F. A. LARMOUR: I rise to a point of order.

The DEPUTY-PRESIDENT: The member cannot place the disallowed motion before the House. But please proceed.

Mr. TARIT BHUSAN ROY: Then came the welcome announcement in the Council Chamber that His Excellency the Governor had, in view of the feeling aroused in the matter, decided to obtain the opinion of constitutional lawyers in England and we all know what that opinion is. It must be said in all justice and fairness that but for the timely and friendly intervention of His Excellency, the invaluable right of

control which has been conferred on the Council by the Government of India Act would have been lost if not for ever at any rate for some length of time. The whole country is grateful to His Excellency for taking the step which has culminated in the restoration of this right.

We are now called upon to exercise a right which should have been exercised about a year ago. I must frankly confess that I am not inspired by a spirit of vindictiveness in placing my motion before the House.

I do not found my motion upon how the Ministers may or may not have assisted or advised the Government in the matter of the present policy. I rest it upon the solid and unassailable ground of economy.

The first issue which I want to raise are these: Are the Indian Ministers entitled to receive the maximum salary of Rs. 64,000 a year? Is the Government justified in making the maximum demand for the salaries of Indian Ministers? I am inclined to answer both of them in the negative. It may be a startling proposition, as indeed it is, but conscious as I am of my responsibilities, I feel bound to lay it before the House in the interests of the country.

I shall try to place some facts before you to support my view.

Section 52 (*1*) which fixes the maximum salary has a history behind it and in order to appreciate its true intent, it is absolutely necessary to know this history, and I therefore proceed to trace it back to its source.

In the original Bill which was introduced for the first time and ordered to be printed by the House of Commons on the 29th May 1919, the section stood as follows:—

Section 3 (*1*). The Governor of a Governor's province may, by notification, appoint Ministers, not being members of his Executive Council or other officials to administer transferred subjects and any Ministers so appointed shall hold office during his pleasure.

There *shall be paid* to any Ministers so appointed such salary as the Governor, subject to the sanction of the Secretary of State, may determine. I ask the House to mark the words " shall be paid " in the second clause.

It was on the 29th of October, 1919, that the above section was changed, on the motion of Mr. Montagu himself, at a meeting of the Parliamentary Joint Committee presided over by the Earl of Selborne.

It is interesting to note, however, in this connection that at the same meeting Lord Islington's motion for the following amendment was withdrawn by leave:—

"The status and emoluments of Ministers shall be the same as those possessed by members of the Executive Council. "

The section emerged from the Joint Committee in the following shape:—

Section 4 (*1*) " The Governor of a Governor's province may, by a notification, appoint Ministers, not being members of his Executive Council or other officials to administer transferred subjects and any Ministers so appointed shall hold office during his pleasure. "

" There *shall be paid* to any Minister so appointed in any province the same salary as is payable to a member of the Executive Council in that province, unless a smaller salary is provided by vote of the Legislative Council of the Province. " It was again " shall be paid. "

The amended Bill was again considered by the Joint Committee and Mr. Montagu's motion for substituting the words, " may be paid " for ' shall be paid " was agreed to without dissent. This is briefly the history of the evolution of the existing section 52 (*1*) of the Government of India Act.

The replacement of the words "shall be paid " by " may be paid " is significant and affords a clue to the real meaning of section 52 (*1*) which, as it now stands, clearly purports to fix the maximum limit of the salary of Ministers and gives the Provincial Government absolute discretion to fix whatever salary they may think fair and proper according to the financial or administrative exigencies of the Province, within such limit. Such salaries may be less but cannot be more than the maximum in any event. They need not, however, be even uniform in the case of every Minister, but may vary for each year according to the relative importance of their portfolios and the exigencies of the situation.

In that view the first step has got to be taken by the Government for fixing the salaries of its Ministers. I maintain that the word " shall " was changed into " may " advisedly. As to what led to this change at the instance of Mr. Montagu himself, will become intelligible when we consider the clear and definite recommendations of the Joint Committee in this connection. I quote them below:—

" They (the Joint Committee) advise that the status of the Ministers should be similar to that of the members of the Executive Council but that their salaries should be fixed by the Legislative Council. Later on in this report it will be suggested that Indian members of the Council of India should be paid a higher scale of remuneration than those members of the Council domiciled in the United Kingdom. The same principle might suggest to the Legislative Council that it was reasonable for the Ministers of the Provincial Government domiciled in India to be paid on a lower scale of remuneration than the European members. " No one regrets it more than myself that the Joint Committee should have the Indian Ministers placed in this position. I submit that it is against the spirit and intent of the Government of India Act to make the maximum demand for salaries to the Ministers

all of whom are Indians. The maximum demand has unfortunately been meant for Ministers not domiciled in India. We know how Mr. Bhupendra Nath Bose is drawing a higher salary in England on this principle. It is a constitutional question of the gravest importance and I raise a definite issue upon it.

The next point which I make is that the poorest country should not be saddled with the burdens of the costliest administration in the world. It is a sin and a crime against humanity that in a country where the people are groaning under a load of taxation and where, as every one knows and as Sir William Hunter observed, " forty millions of Indians live upon one meal a day " should have to maintain the costliest administration. England and the United States of America are the richest countries in the world. The salaries of the Ministers in England are not uniform. The Ministers of Agriculture and Labour each get £ 2,000 a year. The Cabinet Ministers of America each get a salary of $12,000 or Rs. 36,000 a year. In Japan the Prime Minister gets 12,000 Yen or Rs. 18,000 a year, and the Cabinet Ministers get no more than Rs. 12,000 a year. I ask the House in all seriousness whether they should vote Rs. 64,000 a year to each of our Ministers. If they will do so with a full sense of their responsibility I leave them to their conviction and conscience. It is said and said with some air of seriousness that a reduction of salaries means a loss of status? Have the Ministers really the same status as members of Executive Council? My answer is an emphatic " No. " Ministers are appointed by the Governor. They hold office for three years at His Excellency's pleasure and may be removed by him. Their salaries are liable to reduction by the vote of the Council. They may be paid and not that they shall be paid the same salary as members of the Executive Council. Their colleagues of the other wing of Government hold office for five years and do not hold office at the pleasure of the Governor. They are appointed by His Majesty. Nor can their salary which is fixed by statute be touched by the Council. Should we still lay the flattering unction to our souls that the right of equality of status has been conceded to our Ministers in substance? Assuming that they are equal in status, the next question is, does it at all depend upon what salaries they draw? Is it even affected by a reduction to a level lower than what their Secretaries get? My answer to both are again in the negative. Status really depends upon the dignity and power and not the emoluments of the office. If that were not so, how is it that the Minister of Agriculture and Fisheries in England gets £ 2,000 whereas his Secretary draws £ 3,000 a year? Lord Islington's motion for equality of status and emoluments of the Ministers would not have been withdrawn in that case.

To ask us to accept propositions of this kind is to offer an insult to our intelligence. I appeal to the members to rise to the occasion and not to allow themselves to be misled by a false cry and a false issue? Let us not shut our eyes to the " bleeding " poverty of Bengal, and the

heavy deficit which we have to face. Let us keep this question outside the arena of party politics and decide it on its own merits, undismayed by any frowns, unseduced by any smiles, and unaffected by any prospects however tempting. Let us in the language of Sir Dinshaw Wacha "cut our coat according to our cloth." Let us not be fed up by any worn-out platitudes.

One word more and I have done. To Sir Surendra Nath, who had consecrated his life to the cause of the motherland, who had consistently raised his mighty voice in protest against high salaries and a costly administration, and who had preached the gospel of economy in the public service with force and fervour, and in no faltering accents from many a platform, I appeal, in perfect honesty, is it too much to expect him to make a noble sacrifice for the sake of the country in its present financial difficulty? Let it not be said of him that he spoke the language of patriots and trod in the footsteps of despots. Let him show the sincerity of his professions not by mellifluent phrases and claptrap rhetoric but by deeds more eloquent than words. I also appeal to the other Ministers. I feel certain that my appeal will not fall upon deaf ears and cold hearts.

Babu KISHORI MOHAN CHAUDHURI: I move "that the demand for the grant of Rs. 1,92,000 for the salaries for the current year be reduced by Rs. 84,000".

It is not my intention to quarrel with anybody over this question. But I appeal to the patriotic feeling of my colleagues, Europeans and Indians, as also the official members to think over the matter very carefully. I must point out that there is no doubt that the administration is very costly. If we quarrel, Government being backed by the Europeans and the followers of a particular line, would carry the majority with it and the motions for the reduction of salaries of Ministers would be defeated. We ought not to proceed in that line. If the administration is really very costly as Mr. Kerr has shown, that out of an estimated expenditure of Rs. 11 crores, our establishment charges would be about Rs. 6½ crores and the contingency charge about Rs. 8 crores and 06 lakhs, can we afford to bear this heavy charge upon the administration? That is the most important question. Before the Reforms administration was carried on with the help of three Members of the Executive Council only and the Governor. Now, besides His Excellency the Governor and the three Executive Councillors there is the President of the Council on Rs. 3,000, three Ministers each drawing Rs. 64,000 a year, and over and above that another Executive Councillor has been appointed. Before the Joint Parliamentary Committee it was urged that the same status and pay as that of the Executive Councillors should be given to the Ministers. I know that, but that was done with the clear idea that there would be only two Members and two Ministers, but unfortunately when the new Government was announced, we saw that four Members have been appointed in the Executive Council and three Ministers for the

the Transferred Departments, to carry on the administration of the transferred subjects. We brought forward a proposal that the number of Ministers should be reduced to two instead of three. I brought forward those two motions and induced my colleagues to agree with me in one respect that there should be a reduction. There was another item to reduce the number of Ministers but there we differed. Why there was that difference of opinion, I will not say anything about that now, but the fact was that we could not carry that resolution. The next item was that the salary of the Ministers should be reduced. We failed there too—what did we hear then? That the Ministers were quite willing to take Rs. 48,000 for their expenses and that they would spend the balance on charitable public works. There was no deficit at the time and there was an assurance that the income would be replenished by special grants from the Government of India. We have been disappointed, and we have heard what Mr. Kerr has said in his speech that our administration cannot go on without spending Rs. 6½ crores for our establishment charges. If that is so, I ask the Ministers to consider what could be done. The difficulty is that we have no hand over the reserve portion. Whatever recommendations we may make would be of no avail. But so far as we are concerned we should set an example. We should be self-sacrificing in our own affairs. Under the circumstances, we should not be justified in spending so heavily over the establishment charges. We should first show that the Ministers should be patriotic enough to undertake the work at a very moderate salary. I cannot say too much in regard to the patriotic spirit which was shown by Babu Surendra Nath Ray, the Deputy-President of the Council, which induced him not to ask for any allowance whatsoever. I believe that sort of spirit is wanted in our Ministers.

Does our present financial position warrant our paying this high scale of salary to our Ministers? I ask the Council to consider the question carefully. I am of opinion that regard being had to our position, it should not be below, but not more than, Rs. 3,000. But there may be some difficulty; some months' salary has already been drawn. I do not know what the actual state of things is. If there is any difficulty, the Ministers are worthy people; let them come forward and say "very well; we will take this scale of salary etc., for the rest of the year." We are ready to accept any reasonable figure, but I consider that Rs. 3,000 should be the scale at which our Ministers should be paid; beyond that we cannot go. This is the suggestion that I submit for the calm consideration of the Council.

The constitution is defective under which we are working. In a a dyarchical system of Government there are great difficulties in the way of the Ministers asserting themselves. If, under these circumstances, they succeed in achieving their object, all credit be to them. I ask for their co-operation in all matters for the benefit of the country.

Whatever be the scale of pay of the officers of the Executive Council fixed by Government, I think the pay of our Ministers should not be more than Rs. 3,000. We should try, wherever possible, to reduce the pay of our subordinate officers. In this view, I ask the Council to consider the matter. I appeal to the patriotic feeling of our worthy Ministers and I have not the slightest doubt that they will accept the scale of pay that I beg to propose.

Maulvi HAMID-UD-DIN KHAN: I move "that the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year be reduced to Rs. 1,08,000."

My meaning is that the salary of the Ministers be fixed at Rs. 3,000 per month for the period for which the Ministers have not as yet drawn their salaries.

The question of Ministers' salary is agitating the minds of the people not for a month or two but for a year or so. Last year, *i.e.*, year 1921, saw it placed as "non-voted" but after a struggle for nearly a year it has emerged itself from the dire ordeal of divergent legal opinions of this country and that of England, and has at last placed itself safely on the side of "voted." Thanks to the interpretation of law that has placed it within the bounds of the members of this Council, and I congratulate the members for the opportunity they have got once again after an interregnum of one year.

From the beginning of this Council, this reformed Council, we are crying hoarse for retrenchment in every department, but I am sorry to remark that we wanted bread in the shape of retrenchment but got stones in the shape of new taxations. Why this taxation? Because there is no fund to pay heavy burden of salaries of the top-heavy administration.

It is argued in season and out of season that the salary of the Ministers should be equal to that of the Executive Members of this Council. I really fail to understand the reason of this argument. First, because a man does not become great by position, but position become great by man. Salary does not make position great but the responsibilities and duties as attached to the post and the due discharge of these duties makes position great; second, because the Ministers themselves have by their conduct shown that they are inferior to the Members of the Executive Council for, when they were not taken into confidence by Government in certain repressive measures that were adopted of late in Bengal, they did not exert themselves to be heard as representatives of the elected members of this Council.

If we now put the substantial work done by the Ministers during the course of 12 months to test, we are sure that the test will prove to be an acid test. For did the Ministers who are the representatives of the elected members of this Council, and who are believed to be in confidence of Government raise their little finger to stop taxation in shape

of court-fee or stamp duty upon the poor inarticulate millions of Bengal, who are being carried away by hundreds of thousands every year by malaria, influenza and other diseases, owing to the want of strength due to poverty to cope with these diseases, did the Ministers try their level best to effect a retrenchment within the space of 12 months in any department? Did they exert their best influence backed by the Members of this Council whom they represent to force their opinion upon Government at the time of introduction of repressive measures adopted in Bengal? Did the amount of work done by them during these 12 months go in any way to ameliorate the condition of the poor cultivators, who, smitten with diseases or loaded with debts, are fast approaching their premature graves? I pause for a moment for an answer.

My argument for Rs. 3,000 per month is based on the consideration that the salary of Rs. 3,000 is a suitable one for an Indian gentleman of the position of the Ministers having in consideration of the idea of retrenchment in our mind in all departments of similar character which are unfortunately placed on the non-voted sides.

I appeal for the sake of humanity and justice, for the sake of education and sanitation, and last of all for the sake of the striving and starving millions of Bengal to consider very seriously the question before us before recording votes one way or other.

At this stage the Council adjourned for 15 minutes.

After the adjournment.

The DEPUTY-PRESIDENT: Regarding Item No. 23 standing in the name of Maulvi Abdul Karim, I understand that Dr. Jatindra Nath Moitra has been asked by him to move his amendment, and I allow him to do so.

Dr. JATINDRA NATH MOITRA: On behalf of Maulvi Abdul Karim I move "that the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 48,000."

This appears to me to be the best and least objectionable of all the others. When we discussed the Ministers' salary last year, I gave it as my deliberate opinion that although it was my desire to employ as Ministers the best brains of Bengal, I thought a salary of Rs. 3,000 would suffice. One year's experience in this Council has convinced me that any sum less than Rs. 4,000 would not be adequate and compatible for them. I must at the outset tell the House that I have personally not the slightest intention to hurt the feelings of any one. I know that the Hon'ble Minister's position is in no way inferior to the Hon'ble Members of the Executive Council and their duties not less onerous. Over and above this there is some risk of their loss of prestige, rank and status if their salary be less than any of their

colleagues, not to say of their subordinates. What we say or do in this Council must have one and only one object in view and that is ameliorating the conditions of those whom we represent. We have all realised the financial stress of Bengal and in view of this state of affairs we have got a clear duty to our country to cut down the cost of administration wherever and whenever possible. It stands to reason that the highest paid officers of the Government should meet the pruning-knife first and it is then and only then that we can legitimately try to cut down the salaries of others so far as our statutory rights allow.

I am not unmindful of the fact that by belittling the Hon'ble Members who are our own people we make them look small in the eyes of the Europeans who have often been found to laugh in their sleeves and seem to be immensely pleased at their discomfiture. Many of my friends, however, forget that such acts reflect on ourselves. Instead of being elated at their discomfiture every true son of Bengal ought to hide his face in shame.

The several amendments in the agenda clearly show that there is a general feeling shown by several members about the need of reduction of the Ministers' salary, but there is another aspect. It also shows that there is wide divergence of opinion about the particular amount which should be voted for. This also means that the different members have judged the requirements from different standpoints and what seems adequate according to one has not been similarly judged by the others. The amendment, which I have the honour to move, seems to me to be the best under following grounds:—

(*1*) The Hon'ble Ministers have officers under them who draw Rs. 4,000 a month (*i. e.*, the Chairman of the Calcutta Improvement Trust) and a salary lower than the subordinates is obviously untenable.

(*2*) The members themselves agreed to accept Rs. 48,000 a year and they pledged their good faith to spend the balance on works of public untility.

(*3*) Any salary higher than Rs. 50,000 means the payment of a "Super-tax" which the members will not have to pay if they draw a salary of Rs. 48,000 a year.

(*4*) Their official position will not be lower than the puisne judges of the High Court, the dignity of whose posts is unquestionably great.

(*5*) The Ministers will not be in any way financially losers.

Viewed from every standpoint, I think a salary of Rs. 48,000 a year will in no way effect the position of the Ministers or their pockets, but on the other hand enable us to press for the reduction of the salary of the Members of the Executive Council and of many others coming after them.

Kumar SHIB SHEKHARESWAR RAY: I move "that the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 47,999."

I must make myself clear at the outset that my amendment is intended as a vote of censure on the Ministers. The recent policy of the Government has upset many of us. We are responsible to our constituents, and they will demand what we had been doing all the time the Government was pursuing a policy boding good to none. I know, we have very little hand in framing the policy of the Government. All that we can do is to express the wishes of the people whom we represent in the Council, and the Ministers, who are supposed to be our representatives in the Cabinet are expected to voice our feelings. That is the very *raison de être* of their existence there. The Councillors were under an impression that the Ministers forming a part of the Cabinet, and being children of the soil, will always have the courage to stand up and protect the people from Governmental wrath; by their influence they would mollify Government measures, and always advise the Government to remain cool and not go to extremes. But the events of the last few weeks have dispelled this fond delusion of the people. They have found that the Ministers have all imbibed the qualities of an irremovable Executive. Peoples wishes and susceptibilities make no impression on them. They are appointed by the Governor, hold their offices during the pleasure of the Governor and can be removed only by the Governor; even their salary was not to be voted upon. People, therefore, have come to think that as they hold their appointments during the Governor's pleasure, they are trying to please the Governor, and hold their offices which bring each annually Rs. 64,000.

The Ministers have declared more than once that their first anxiety is to make the Reforms successful. Let us see how they have succeeded, how they have upheld the spirit of the Reforms. You have heard what the Joint Committee Report says regarding their right of being consulted in all matters of common interest. Let me read to you some thing more on this point from the Royal Instrument of Instructions issued to the Governor in December, 1920, under Royal Sign Manual. It runs thus—

> You shall encourage the habit of joint deliberation between yourself, your Councillors and your Ministers, in order that the experience of your official advisers may be at the disposal of your Ministers, and that the knowledge of your Ministers as to the wishes of the people may be at the disposal of your Councillors.
>
> In considering a Minister's advice and deciding whether or not there is sufficient cause in any case to dissent from his opinion, you shall have due regard to his relations with the Legislative Council and to the wishes of the people of the Presidency as expressed by their representatives therein.

No doubt the inauguration of the recent repressive measures was a matter of very grave concern, and the Ministers, as such, had a right to be consulted. If they were not consulted, if the Royal Instructions had been set at naught, it was the duty of the Ministers

to insist on their right. Did they do it? The country expected and still expects a reply. And in the last session of the Council, during the debate on the adjournment of the House on the 17th December, a Member of the Executive Council openly twitted the Ministers and showing no indication " to preserve a united front " declared that it was for the Ministers to say what they might have had to say. But still the Ministers did not deign to speak out. And so the simple question still remains unanswered " were they consulted, were they " ?

And if the Ministers were consulted and their advice was rejected, they at once ought to have resigned. In England also the Ministers forming the Cabinet are a merely consultative and advisory body just as our Ministers are at present. But how have their powers developed? Many were the Sovereigns who had tried either to neglect their Ministers or had directly acted against their advice. Todd in his *Parliamentary History*, volume 1, page 42, says—

> The constitutional procedure semble in case of the insistence of the Crown to act against their advice, would be, for the Ministry, to tender their resignation.

That is the only way in which power can develop from within. As the law in England stands at present the Ministry have a constitutional right at all times to tender such advice to the Sovereign as they may think fit, and any attempt on the part of the latter to limit the scope or character of the advice, or to exact pledges as to future conduct, either on the formation of Ministry or by dismissal, is clearly recognised by the House of Commons as thoroughly unconstitutional (see May's History, volume 1, pages 96, 97).

We have grown tired of hearing that our Councils are worthy daughters of the mother of all Parliaments. Parliamentary practices and procedures are quoted as binding on our Councils. But are we to have only the binding effects of practices of the Parliament and not its spirit of freedom, only the curbs and checks and not its high moral tone and independence. We have been told times without number that both halves of the Government must present a united front. Quite true, but what is the practice in England. There, too, all the Ministers preserve an appearance of unanimity, but it is the recognised practice there that when an individual Minister disagrees with the others on a vital question he tenders his resignation at once, and votes against the Government in the House of Commons. But we found no such inclination in our Ministers during the discussion in the last session while three of the four Executive Councillors spoke, the Ministers remained silent. Perhaps they are remaining supinely indifferent and would only be uttering the ancient shibboleths of transferred subjects and reserved subjects and the responsibility for law and order. And when challenged to speak they would wax big over the contemplated eradication of malaria within 10 years and the happy establishment of prospective primary

schools in every village. Grand visions of great boons, no doubt! But what about the police baton wounds and mysterious bullet shots? No answer!

Then we are most loth to come to our last surmise: the Ministers were consulted and they have advised the Government to adopt its present policy. We are led to it only by the silence of the Ministers. If they had so advised the Government, do the Ministers represent the Councillors, do they represent the people of the country, are they aware of the wishes of the people, do they care for their susceptibilities? Let the Councillors answer. If the Ministers have advised the Government to adopt the panicky measures, I dare say that they have done so wrongly, ignorantly and callously. And they being the representatives of the Councillors in the Cabinet, it is our duty to disown them at the earliest available opportunity. An opportunity has now been offered to us to give a practical shape to our censure by refusing to vote the demand for their salary. It is fortunate that the Solicitor-General has decided in our favour, by making it a voted grant, for otherwise we would have had no constitutional control at all. Shall we now fail in our duty and remain branded for ever before our constituents for dereliction of duty on a day of crisis? I know our power is feeble, but shall we fail to exercise even that feeble power given to a feeble race?

Let us not be deluded with the idea that prestige would follow their pay. The country has outlived that notion. The Ministers can have their salaries, even more sumptuous salaries, but where is their prestige now, pray? And prestige with whom? With the Government? It shows its great respect for them by not consulting them; it follows perhaps the truly oriental courtesy " approach not your superiors lest your presence contaminates them " Are the Ministers pluming themselves on that sort of prestige? Or, prestige with the people? With them it lies low in the dust, whatever the smooth-tongued deluders might say. Prestige does not depend on what goes inside your pocket but what comes out of it, out of your heart, not on what you take, but on what you give, what you say or do.

Let them have their salaries as long as they were supposed to serve us. But if the Council be of opinion that in this matter of repressive laws they have failed to represent the Council, then to the Council they stand dismissed, although they might be retained in their places by the Governor. So I only ask the Council to refuse *in toto* their salary for the three remaining months of the year.

Professor S. C. MUKHERJI: I move " that the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced to Rs. 1,57,000."

The amount which I have proposed provides for seven months' salaries at the present rate, *viz.*, Rs. 5,333-5-4 a month, and for the remaining five months at the rate of Rs. 3,000 a month. On the 11th of February last, I strongly opposed any reduction in the salaries of Ministers.

I felt it would be preposterous to stultify the Hon'ble Ministers in the eyes of the public by making any difference between the salaries of the Members of the Executive Council and those of the Ministers. A year has passed since then. We are confronted with a different situation to-day. We are confronted with another big financial deficit this year. Last year we tided over the difficulty by falling back upon the accumulated balances of previous years. During the course of the year that balance has gradually dwindled away and we have been left with a very slender balance. The dream that the unjust award of the Meston Committee would be upset and that justice would be done to Bengal has been ruthlessly shattered, and the Government have been simply driven, however reluctantly it may be, to propose fresh taxations in order to meet another heavy deficit. Again we have come forward to the rescue of the Government. Within the last three or four days, this Council has passed three taxation Bills. In order to save the Government from being wrecked we have agreed to suck the very life-blood of the people.

We have done our duty to Government. Have we got no duty to the people of the country? Is it not our paramount duty to save every pice wherever possible, and wherever we have the power to do it? It is our first and foremost duty to cut expenditure, however painful and unpleasant that duty may be. In the memorable words of Sir Surendra Nath Banerjea we must follow the mandate of our conscience and do our duty towards our countrymen. What is that mandate to-day? That mandate to-day is—if you can ask the people of the country to save the Government from being wrecked by making a heavy sacrifice, you can certainly ask the representatives of the people to make a similar sacrifice to save those people from ruination. Therefore, we can very well ask the Hon'ble Ministers—the accredited representatives of the people—to lead the way in this matter. Let the first cut be a cut in their salaries. Other cuts will follow as we proceed with the budget. As the greatest patriots of the country, is it too much to ask them to make this sacrifice even though it will mean a difference between their salaries and those of the Executive Members? We are most anxious to reduce the salaries of the Executive Members, only we are helpless in the matter just at the present moment. But the Hon'ble Ministers can help us in this matter also. If they are prepared to make this sacrifice, it will pave the way for the reduction of the salaries of the Executive Members.

It is said if we do not pay an adequate salary we shall not get the right type of men. Adequacy is a relative term. It must be determined in relation to our economic condition. Situated as we are Rs. 3,000 a month ought to be regarded as adequate.

Moreover, I think, inspired by a sense of true patriotism, men of real worth will be found forthcoming to make a real sacrifice in the interests of the country.

I have been asked not to interfere with the salaries of the Ministers during this financial year. To me it is purely sentimental. I got the

notice of this demand in November last, and if there is any reduction made in the salaries of the Ministers, I feel it ought to be from November. I do not see any reason why it should be postponed till April next. Now that we know what the financial situation is, we ought not to waste a single farthing if we can save it. It is a matter of principle and not one of expediency.

I have also been told any reduction in the salaries of the Ministers will not make any appreciable difference in the financial situation. It will only be a drop in the ocean. That may be true, but situated as we are, we have got to save these drops one by one. There are many such drops to be saved. If we really do our duty in this matter and begin curtailment in right earnest, I have no doubt we shall be able to reduce our deficit for next year to a considerable extent. We shall be unworthy of our sacred trust if we do not strain every nerve to reduce our expenditure even in this financial year—though we have come to the very fag-end of it. If we can say to ourselves here is some money that can be saved and that ought to be saved—no matter how insignificant it is—it is our duty to save it.

I hope the members of this Council will rise to the occasion and show that they are worthy of the trust which the people whom they represent have reposed in them and no personal considerations of friendship or self-interest will swerve them an inch from the path of duty.

Rai Dr. HARIDHAN DUTT Bahadur: I move " (1) that the demand for the grant of Rs. 1,92,000, for the salaries of Ministers for the current year, be reduced by Rs. 21,000; or, as an alternative, (2) that the demand for the grant of Rs. 1,92,000, for the salaries of Ministers for the current year, be reduced by fixing the salary of a Minister at Rs. 3,000 a month for the period for which the Ministers have not as yet drawn their salaries."

It is in the recollection of this Council that His Excellency the Governor offered to obtain an authoritative ruling of the constitutional lawyers in England as to the point whether the salary of Ministers was to be regarded as expenditure within the meaning of section 72D (*3*) of the Government of India Act, which we are given to understand by the Hon'ble Member in charge, would be operative not for the year 1921-22 but for the budget grant of 1922-23, and he gave us to understand that as far as the year 1921-22 was concerned " the matter had been already decided in Council " and must be regarded as final. (Proceedings 14th March, 1921, Bengal Legislative Council, Vol. 1, No. 5, page 68). We, therefore, should be grateful to His Excellency that notwithstanding the declared opinion of the Hon'ble Executive Councillors he has given us the opportunity of discussing the matter and has left us free to decide as the Council may think proper.

The Hon'ble Sir HENRY WHEELER: May I offer a personal explanation? The speaker is absolutely misinformed in his surmise that in this matter His Excellency and the Executive Council were ever in disagreement, or that the Governor overruled the supposed wish of the latter to burke discussion.

Rai Dr. HARIDHAN DUTT Bahadur: I have also to point out that the memorandum No. 10518A, dated the 10th December, 1921, which the Chief Secretary has issued and circulated to the members of the Council betrays two very substantial inaccuracies. The two incorrect statements are as follows—

(*1*) First, that "the vote of the Council did in effect approve the present rate of salary of Ministers for 1921-22."

The discussion that took place in the Council over the rate of salary of Ministers on the 10th and 11th February was only a discourse on a Resolutions and its amendments under section 52 (*1*) of the Government of India Act and should not and cannot be regarded as a "vote" of a demand which the Council expected to discuss in the meeting of the 14th March when for the first time the members of Council learned that the demand was classed as "non-voted."

(*2*) Second, that "any alteration made now in these rates would involve the refund of sums drawn by the Ministers in good faith.

This statement is equally incorrect. As the official year was not at an end it was obvious the Ministers could not have drawn the whole amount of their pay for the year 1921-22. Thus it cannot be correct to say that *any* alteration made now in the rate would involve the refund of sums already drawn in good faith. It is patent that the Ministers could not have drawn their pay at least from December, 1921 (the date on which the memorandum was issued), and if my information be correct, the Ministers have not been paid from October. Thus it is clear that at least the sum of Rs. 48,000 (if not more) out of Rs. 1,92,000 could not have been drawn already and any reduction out of that sum would not involve any refund of money drawn in good faith.

Hence my amendment is that for the remaining months of the year 1921-22 for which the Ministers have not drawn any pay the rate should be fixed at Rs. 3,000 a month. If there be only three months' pay outstanding the demand would have to be reduced by the sum of Rs. 21,000 calculating at the same rate, that is, Rs. 3,000 a month.

Thus it is clear that the Council never did approve nor "voted" the official rate of demand of salary of Ministers for 1921-22 nor—so far as I am personally concerned and so far as my amendment goes—is there any desire to make the Ministers refund any part of the salary already drawn.

Now that we are in the midst of a serious financial difficulty, it is imperative that we must observe strictest economy. It is admitted on all hands that our administrative burden has exceeded all proportions

We all know for the last thirty-six years—if not more—the party for Reforms headed by our well-known public men, some of whom to-day have reached the most responsible position in this Council, were fighting strenuously for reduction of salaries of high officials. It is also well known that the President of the Poona Congress in 1891 thought this heavy burden was intimately connected with the misery of the people.

In order to be able to effect economy in this line we have to come to an understanding as to a standard.

There are two kinds of officials in a State. In a popular government there is a band of men—call them " patriots " if you like—who come to serve the country as the representatives of the people—from various walks of life—apparently with some spirit of sacrifice, to carry on the central administrative authority on behalf of the people, for the good of the people and according to the wishes and ideas of the people they represent. There is another set of men, call them " Experts " if you like. The standard of pay for these experts must have some direct reference to the average earnings of their respective professions as well as to the principle of demand and supply. To choose and select a Lord Chief Justice, a Commander-in-Chief, a Chief Engineer, a Surgeon-General, you have to fix a standard that would attract some good men, who have taken up these professions for momentary considerations. But even in selecting a High Court Judge, an autocratic Government also has to put a limit to the means of allurements, which has given rise to the oft-repeated " open secret " with respect to many of our well-known lawyers. " Mr. So-and-So was offered a judgeship by Government but regretted his inability to accept as he was too poor to afford to be a judge." There must be a money limit beyond which no Government can dare to proceed even to secure the highest judiciary in the land as its Lord Chief Justice, and to instance cases nearer home, the Bench of the Calcutta High Court failed to attract a Rashbehari or a W. C. Banerjee. Still we are all proud of most of the men who came to serve as judges in the High Court in the country.

Thus there are standards—standard of pay for the highest expert officers and the standard for the patriotic service of central administration by the representatives of the people. As the Ministers are recruited from the list of elected representatives of different constituencies, we have to refer to the class of men who would come forward for election by the people. Thus we have to regard them or class them with people who have been actuated entirely by patriotic motives and not allured or prompted by considerations of gain or profit. Those who are in need of or anxious to make money or amass a fortune will go in for some lucrative profession, trade, commerce or industry. The best from among those who come to serve their country, not for any ulterior motives but for the love of serving the country, are offered the offices of Ministers, and the salary that has to be paid to them has reference only

to the recoupment of the loss they have to suffer for being required to be occupied whole-time in the country's work. The payment, therefore, should be in the nature of compensation for being compelled to give up all other work to enable them to get on with their desire to serve their country and not to allow them to amass wealth or build up an inheritance for their heirs or successors.

As now settled by the highest legal authority, it is the intention of the Government of India Act that this Council has to fix the amount that should be paid to a Minister as salary and there is no question of reduction which is often the idea of inefficiency attached to it. The question before us is not whether we should now judge the past services of Ministers and show and record our appreciation or disapproval of their work and conduct by way of moving for a reduction of their pay (as is done in the mother of Parliaments) but we have to-day to consider what should be the highest sum the country can afford to allot to the patriotic sons of Bengal as compensation for their ungrudging and self-offered service to their mother country.

Some of us were " seldom more impressed with a sense of responsibility " than when they insisted before the Council strictly to follow the gist of the opinion of Patel and Dewan Madav Rao and others submitted before the Joint Committee of both Houses of Parliament not to make difference between the pay of a Minister and Member of the Executive Council. Those who try to make too much of these opinions conveniently forget that the Joint Committee practically rejected these views when they deliberately left the fixing of the amount of salary of Ministers entirely in the hands of the Council. The Joint Committee, however, suggested to the Legislative Council that it was reasonable for the Ministers of the Provincial Council to be paid on a lower scale of remuneration than the European members. " They advise," to quote from the Report, " that the status of Ministers should be similar to that of the Members of the Executive Council but that the salaries should be fixed by the Legislative Council."

The members who vehemently fought against any attempt to fix the salary of Ministers below Rs. 5,333 a month during the discussion last February held out the promise to agree to a more modest sum if, with fuller knowledge and consideration of our financial position, it would be found necessary. Their main plea then was that our financial position was not known. These members have no doubt realised the present position fully and I hope they will now try to be consistent—though I cannot help remembering that some of them refused even to be consistent by saying " a pedantic consistency is a sterile frame of mind."

We are for lower pay all round. If we could, we would have suggested a lower standard of pay for the Executive Council also, but it is beyond us at present to suggest any alteration there. But in order to be able to effect economy we have to come to an understanding as to a

standard for the popular central administrative authorities. I believe that the scale of pay of Ministers should be at the high level of that standard. Circumstanced as we are, we cannot afford to give them a higher salary than the sum of Rs. 3,000 a month—a sum which ought to be sufficient in this country to cover all the necessary expenses of a family man to live decently. The amount actually saved by the proposed scale and making the scale having effect only for a few months of this year for which salary has not been drawn, may not be very large. But if it be made a standard one, it would necessarily lead to considerable savings in all directions and would make the introduction of the spirit of economy possible.

Some seem to think that the reduction of the Ministers' pay will give us very little relief. Do they realise that a saving of Rs. 84,000 per year, as my amendment suggests, would be adequate to maintain two more hospitals or to free some villages from the ravages of malaria? How many useful purposes could be served by Rs. 84,000 a year!

" Men do not accept the post of a Minister to earn money " to quote a previous speaker, " it is the spirit of patriotism and self-sacrifice which is the chief factor and I dare say that India is not poor in possessing such men." I admit " all patriotic people " may not be " capable men " but we are not anxious to have " capable men " who are not patriotic also.

Less said about the bugbear of status, prestige and dignity the better. The question has been discussed *ad nauseam* to the extent of a party paper with bold poster circulated free in this Council Chamber. We are not, at least in this country, in the habit of thinking that pay makes position, prestige or status. Does it require any argument to establish that the relinquishment of a part of the salary by the Ministers would enhance and not lower the prestige in the estimation of the people?

Is it necessary for me to point out specific instances to prove that even according to the western estimation of precedence the pay and emoluments are not always the criterion to fix the place of honour? Let us remember that the Lord Bishop of Calcutta is given the eighth place in the Warrant of Precedence which is one place above that of the Commander-in-Chief and eight places above the Judges of a High Court and thirty places above the Vice-Chancellor of the Dacca University, though his salary is lower than each of these highly paid officers of the Crown.

The feeling in the country against the Minister's high pay is very strong and we honestly feel that the success of the Reforms Scheme, at least to some extent, depends upon the judicious lowering of the same. If my amendment be carried that will be a compromise between two extreme views and, I believe, that will pave the way to a smooth and harmonious co-operation between the Ministers and the different parties in this Council. Remember that protests against the high salary of Ministers have been raised not in Bengal alone but all over India. It is

not a manufactured opposition spitefully applied against the Ministers but is the genuine expression of a feeling very widespread among the Indians. Go to the leaders who once fought for equality of pay between the Ministers and the Members of the Executive Council and many of them will advocate and advise the reduction of the pay of our own Ministers by our own votes to be followed by the reduction of the fat salary of the high officials. I earnestly hope that wiser counsels will now prevail and my motion will be accepted by the Council.

I, however, feel despondent and so long as the persuasive solicitation of amiable gentlemen is being exercised over the members of the Council, what chance is there for justice being done to the question?

But remember that within a year and a half we have to face another election and need I tell the Council that the reduction of pay of the Ministers is bound to be a plank in the platform of the next election campaign.

Babu TANKANATH CHAUDHURI: I have been called upon at the fag-end of the day to express an opinion on the series of motions that have been moved in regard to the reduction of the Ministers' salary. We had a long discussion on this question last year and at that time I voted for the reduction of their salary. To-day we can look upon the series of motions from two standpoints; first, whether the movers of the motions are actuated by a spirit of economy; or secondly, whether they want to pass a vote of censure on the Ministers. If you look at the first motion for reduction, I mean the motion of Rai Harendranath Chaudhuri, we find that he wants the posts of Ministers to remain honorary; he wants that as in the muffasal there are patriotic people who carry on the works of municipalities and districts boards without getting any honorarium, so the Ministers also should carry on the national work without taking any salary. The mover of the motion is actuated by a very patriotic motive. Time will show whether people would be forthcoming for doing the work of the country without accepting any salary or not; but at present we need not discuss the matter at great length. Mr. Tarit Bhusan Roy has said that the Council should see that His Excellency the Governor accords to the Ministers the same treatment that he accords to the Executive Councillors. If we back our Ministers, that is if the Government finds that the whole House is with the Ministers, then, and then only, the Government can accord the same treatment, or rather a better treatment to the Ministers than that accorded to the Executive Councillors.

Babu Kishori Mohan Chaudhuri bases his arguments on the question of economy. If we reduce the pay of the Ministers by a few thousand rupees we would not have a very large amount for expenditure for the benefit of the country. He says that his motion is not due to any wish of passing a vote of censure upon the work of the Ministers.

Kumar Shib Shekhareswar Ray's motion is practically a vote of censure. I would ask the House to decide whether the Ministers have done anything in the course of this year which would justify us in passing a vote of censure on them. Some members have referred to the incidents at Chandpur and other places. Are we to hold our Ministers responsible for the faults of the Members of the reserved departments? If our Ministers are to resign for the faults of the Members of other departments, then many of the members of this Council should also resign. There is no knowing, at least we do not know for certain that they have not tried to exert their influence in order to impress upon the Government that the repressive policy which it is now pursuing is not necessary for the country. So long as we do not know that they have acquiesced in this policy, we cannot censure them.

I have got another submission. In a month or so we shall be discussing the budget for 1922-23, and then we shall get an opportunity of discussing the question of how much salary we should pay to our Ministers. But are we to cut down their pay now when they have already served for more than one year? I would suggest that for the present we should not try to reduce the salary of the Ministers. We may discuss the point again at the time of the next year's budget.

Adjournment.

The Council was then adjourned till 3 P.M. on Friday, the 27th January, 1922, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Friday, the 27th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 112 nominated and elected members.

Oath.

The following member made an oath of his allegiance to the Crown :—
Maulvi M. J. S. M. HOSSAIN ALI.

Demands for grants.

Ministers' salaries.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): We now resume the discussion on the question of the Ministers' salaries.

Rai MAHENDRA CHANDRA MITRA Bahadur: I am extremely sorry to listen to the spirited speeches of some of my friends here. Two of the speakers went so far as to suggest to the Council that the Ministers have lost the confidence of the people. Indication was given that a censure ought to be given, and if I remember aright, the language was that the Ministers stood disgraced before the Council. I was very sorry to hear this, specially with regard to one of the Ministers who is the tribune of the people, who is liked, admired, loved and, nay, worshipped by the people. I was very sorry to hear this, and I believe that in the calm atmosphere of a Council Chamber such words should have been avoided for the purpose of making a case on behalf of retrenchment. It is, therefore, necessary for me to confine myself to the point at issue. The Hon'ble Sir Henry Wheeler has brought for our consideration a motion for the grant of a sum of Rs. 1,92,000 for the salaries of Ministers for the current year. We should not cloud over the primary issue. We must stick to it and we must not bring forward subsidiary matters, and, therefore, confining myself to the point at issue, I contend that the Council will have to consider whether sanction ought to be given to that amount which is asked for. I am persuaded to think, and all sober minds may agree with me, that we could have

and should have postponed this discussion till the close of the official year. For, is it not a fact that this Council substantially decided the question for the year 1921-22 by a majority, only a few months ago? How can we revive and review the same question over again so soon and also before the close of the official year? The proper time for discussion and the proper course of discussion will be when the next year's budget is presented to the Council and we are asked to vote the salaries of the Ministers. It would not be a sound policy to ignore that we are bound by a constitution, and that constitution requires that we are to abide by the decision of the majority in the Council. When I was a school-boy I was told that there was divinity in the orders of the Stuart Kings of England. When I came to public life I learned that the same air of divinity is in the resolutions arrived at at a public meeting. The majority in the Council decided that the status and emoluments of our Ministers ought to be the same as those of the Members of the Executive Council. This decision ought to have satisfied us for one full official year—at least the first official year of reform. Our complaint is that we are short of funds—so short of funds that important and essential works of public utility and welfare cannot be undertaken and even the ordinary administration of the country cannot be carried on without imposing fresh taxes and increasing the rate of present taxes on "Justice" and other heads. In fact, we have reached a climax. People are not to be allowed to laugh and live by enjoying a bit of entertainment they hitherto enjoyed at reasonable cost. But these are matters for the Ministers themselves to think about, and it depends on their sagacity to decide and announce their decision as to what extent they can sacrifice and how far they, who are, to quote the words of His Excellency the Governor of Bengal, "freely chosen representatives of the people," are prepared to go and meet the wishes of the people. Here I submit that the Ministers ought to understand the views and to appreciate the wishes of the people who are for a reduction of their salaries. But to impose our will at present on them by again bringing the question to vote within one official year is altogether a different matter. In human society impulse goes a long way in taking us to elevated position. Let the noble impulse of our Ministers assert itself. I am not entirely for imposing our will at present on them, and that so soon after our last decision.

I have been all along a consistent advocate of an all-round retrenchment, save and except of the ministerial and menial establishments, who are underpaid and overworked. But on the plea of retrenchment I am loath to follow a suicidal policy. Let us remember that when the reforms scheme of dyarchy was proposed and discussed at length, at every stage Indian public opinion was unanimous on the point of Ministers' salaries, and when the question was raised in Council on the last occasion, my friend, Kumar Shib Shekhareswar Ray, came forward with the view of the Parliamentary Committee and told us that the matter was

settled there. I now see that he takes a different view on different grounds, but the fact is quite clear, that so far as those views are concerned, they ought to be made applicable for the present year.

I have many friends in this Council and some of them are enthusiasts in economy. I am afraid they will take it amiss if I do not fully agree with them. It is necessary to tell them that I have given my best thought over the matter and what I have said, I have only given expression to my own belief. Let me hope they will pause and ponder before committing themselves to a definite policy in the matter. Surely in a matter of such grave importance they will not treat my observations with amused contempt. Any of them may some day become one of our Ministers. How would he feel if he be then asked to accept lower salary than that of a Member of the Executive Council? Members of the Council will no doubt find ample justification to reconcile with what I have said, if they only look into the constitutional aspect of the question. I must say that it is for the Ministers now to consider the suggestions that have been made in the shape of amendments. If the members of the Council do not like to impose their will upon them they ought to consider, as patriots of the country, whether they are prepared to make some concession in respect of their salary. There cannot be any doubt that the wishes of the people are for a reduction of the Ministers' salaries. The people do not understand how matters go, but they do understand that there has been heavy taxation upon them. There has been an alarm all over the country when the news flashed that the taxation Bills had been passed and that they were going to be taxed again. But whatever they may be, if the wishes of the people be taken into consideration by the Hon'ble Ministers, I hope and trust that they will be willing to accede to the wishes of the people by accepting a reduced salary. But I must observe here that if any charge has been made against the Ministers, as I told you, I am very sorry for it. The repressive policy which has been adopted by Government is a policy which we do not approve at all. We are very unhappy for the misery all over the land, but the question before the Council is: How can we make the Ministers responsible for the policy which has been adopted by Government? If you look to the constitution as dictated by the Joint Committee, if you kindly pause for one moment and look to the question as it is, you will notice that the Ministers are only responsible for the action taken in their respective fields. I do not like to take my instructions from the view which are enunciated by the British Parliament—I have nothing to do with that. The constitutional law which I have learnt is to be found in the report of the Joint Committee. Can you therefore lay any charge against the Ministers? I wish to defend them here. There are no specific charges; we cannot proceed with suspicion; we cannot act on presumption. The whole question is this: What action has been taken by them? That I do not know, and unless I get the facts I cannot pass any judgment upon it, and therefore my

submission to the Council is that before the Council comes to any conclusion, it must ascertain the facts. I hope and trust that the Ministers will exercise their influence in getting a conciliatory policy adopted by Government.

Mr. D. C. GHOSE: The question of the Ministers' salaries has been re-opened on such bewildering array of grounds that it is somewhat difficult to pick out the arguments upon which a clear issue may be presented to the House. But I am not far wrong, I hope, in stating that either the ground of economy or the ground of want of confidence is a common factor in the speeches of the members in support of the various motions of refusal or reduction of the Ministers' salaries. I will meet those grounds, but before I do so, I should like to touch briefly upon an argument which has been advanced by Rai Harendranath Chaudhuri. The member has said—I will give you the words that he has used—that "the posts of Ministers should be altogether honorary in consonance with the new spirit of the age." What is that spirit? If my friend means by the use of that expression, the spirit of sacrifice and surrender, then certainly everybody and not the Ministers alone, ought to act in conformity with it. May I ask, if it is not impertinent to do so, whether my friend, in consonance with the new spirit of the age, is prepared to give away his extensive landed properties to the nation for the benefit of his poor countrymen who—to quote his language again—are "a dying, half-fed people?"

Babu SURENDRA NATH MALLIK: May I rise to a point of order? Has any member suggested that the Ministers should give away their private property?

Mr. D. C. GHOSE: I am meeting an argument. Let my friend hear what I have to say. My friend is no doubt aware that, according to the new spirit of the age, there is no such thing as individual ownership of property. Everything is to vest in the nation. This is the cry of some of the most advanced thinkers in the world. It is the cry also of Mr. Gandhi. Let my friend give us some tangible proof of his faith in the new spirit of the age; let us be satisfied that he is not one of those who are so fond of preaching what they never even dream of practising; let us know that he is not one of those brave few who are so eager and anxious to make experiments at other people's expense; let us, in short, be sure of these things before we consider whether or not we should attach any importance to what he has said. Sir, as I have said, one of the reasons upon which the reduction of the Ministers' salaries has been urged is the ground of economy. This ground has been pressed upon us by one or two members in a concrete manner. It has been said that if the Ministers would agree to accept reduced salaries, money sufficient enough for either a medical school or the provision of supply of water in a mufassal town would at once be found, and an appeal has been made to the Ministers to come forward and make

a sacrifice for these beneficient purposes. I should be untrue to myself and untrue to the cause of my countrymen which I am here to serve according to my light, if I were not to sympathise with the demand for more medical schools and better provision of supply of water in the mufassal. But I am afraid I cannot accord my support to the methods by which some of the members desire to achieve what all of us, I am sure, have in view. Let me tell my fellow members from the mufassal that their insistence upon asking the Ministers to make a sacrifice has compelled some of us to examine their contention with some degree of scrutiny. Are the Ministers alone, of all people in the world, to make a sacrifice? Have the members of the Council no obligation to make a sacrifice for the sake of their country? Is it too much to ask, is it too much to expect, is it really impertinent to suggest that the member of Council coming from the mufassal might set a golden example of sacrifice by abstaining altogether from taking travelling and other allowances for attending the meetings of the Council? My friend, Professor S. C. Mukherji, has said that every pice, every little drop, ought to be saved in the present condition of financial stringency. Let me tell him and other members of Council that a sum, near about a lakh of rupees, has already been paid to mufassal members of Council as travelling allowance, and by the end of the financial year such allowance will amount to more than a lakh of rupees. If every little pice is to be saved, then why should not an effort be made to save this very large amount? No motion, no speech, no controversy is necessary to save this amount. And what force, what strength, mufassal members would be able to give to their argument if they were to refrain from drawing their travelling allowance.

Now let me pass on to the argument that the motion for the reduction of the Ministers' salaries is a motion of want of confidence in the Ministers.

It has been made known to all, it has been published broadcast, that for the sin of not having restrained that branch of the Government which is charged with the maintenance of law and order in some of the measures that it has taken to deal with the activities of the non-co-operation movement, the Ministers must be punished by either their salaries being refused or reduced. But, Sir, I venture to think that the question which is involved in the argument underlying the motions of my friend, Kumar Shib Shekhareswar Ray and others is by no means so simple as it has been made to appear. And what is that question? It is surely this, whether under the constitution which we have come here to work, it is open to us to charge the Ministers with failure or neglect to do their duty as our representatives regarding a department of the Government for which they are not responsible and for which the Member in charge is not responsible either to this Council. What is the essence of the peculiar constitution, known as dyarchy, which we have

come here to work? It is this that in the same areas there are two authorities, the one responsible for certain specified functions to local electorates, the other for all other functions to the British electorate through their agents the Secretary of State and the Government of India. In other words, to Ministers responsible to the legislature and electorate, certain functions with the powers necessary to discharge them have been transferred. To the Governor in Council, all other functions including the maintenance of order have been reserved and for which he is responsible not to us but to the British Parliament. That, in short, is the machinery of Government which is now in existence in this province. That being so, I ask, is it fair, is it right that we should blame the Ministers for failure to do that which they are incapable of doing under the constitution? It is no use quoting copiously from standard works on the Constitutional History of England because there never has been in England such a peculiar constitution as ours is. Sir, I am free to admit that this novel machinery of Government known as dyarchy has many drawbacks. And perhaps the greatest of them is that the electorate which we are here to represent is incapable of understanding the constitution. I do not blame the voters for their failure to understand because many of us find it almost impossible to explain in plain, simple language the complex nature of the Government. The result is, that the Ministers are in an awkward situation for although they are members of the Government, they are, in the popular eye, impotent spectators so far as many matters affecting the life and liberty of the people are concerned. All this is an argument, of course, for changing the constitution, all this may be legitimately used for demanding that further rights should be given to us so that the will of the people as reflected in the Council may prevail not only in the departments which have been transferred but also in all the other departments of the Government. But I submit that it cannot be and ought not to be an argument for passing a vote of censure upon the Ministers. Therefore, I venture to think, that the present attempt to refuse or reduce the Ministers' salaries is devoid altogether of any foundation based upon reason and fair play.

Then, Sir, assuming that the Ministers had under the constitution power and control over the department of the Government charged with the maintenance of order, assuming for the sake of argument that they had such power, I should like to know, what they were expected to do. As your representatives, I suppose, they could only voice your wishes regarding the maintenance of order. And what was it that you had said regarding this matter? Let me remind the Council of what passed here on the 21st of November last. But before I say anything about what passed in this Council, I should like to remind hon'ble members of one or two facts. On the 17th of November there was that *hartal* in Calcutta resulting in an almost complete paralysis of the activities of this great city.

Professor S. C. MUKHERJI: Sir, are we discussing the *hartal* or the salaries of the Ministers? My friend is now making a rambling statement.

The DEPUTY-PRESIDENT: He is quite justified in making a reference to the *hartal*. All other speakers referred to it.

On the 18th of November, the very next day, Government issued an order under the Criminal Law Amendment Act proclaiming certain associations as unlawful and on the 21st of November, the Council met and Sir Asutosh Chaudhuri moved the adjournment of the House to draw attention to the serious interference with business and traffic which took place in Calcutta on the 17th November. On that motion many members spoke including all those who are now clamouring for the refusal or the reduction of the Ministers' salaries and I find from their speeches—I have carefully gone through them—that none of them protested or said a word against the application of the Criminal Law Amendment Act which they knew not only from the order of the 18th November published in an extraordinary issue of the *Calcutta Gazette* but also from the speech of His Excellency the Governor in opening the session. Therefore, Sir, from the silence of members of the Council regarding the application of the Criminal Law Amendment Act, I am entitled to conclude that the Council acquiesced in the use of that measure for the maintenance of order. (Several voices "Order, order." Cries of "No, no. Not a fact.")

Here the member had to resume his seat owing to his time being up.

Rai Bahadur NIBARAN CHANDRA DAS GUPTA: The present debate over the various amendments to the resolution for a grant of Rs. 1,92,000 for the salaries of Ministers, necessitated under peculiar circumstances, which are well known to the members of this House, goes to demonstrate that members of this Council want to keep a veritable sword of Damocles always hanging over the heads of the Ministers. Now, Sir, is this business-like? If you always tell your servant that his pay is to be cut down, do you expect any loyal and devoted service from that servant? There is another aspect of the question. This very matter was fully and freely debated, not even a year ago in this Council, and this Council came to a definite conclusion. Now we are called upon to go back upon that conclusion, before the year is out. Is that prudent? The time is not far off (in fact, it is only a month or two) when we shall have another opportunity of discussing this very question. Am I to understand, that hon'ble members are going again to reopen the question and to have a full-dress debate over it? Now, Sir, there ought to be some sort of finality in the conduct of our affairs. We should follow a definite, well-considered and settled course. We know that there is no finality in things "human," and we always "look before and behind," in the words of the poet, and "pine for what is not." But is that the reason why we should discuss the question

about the pay of the Ministers, off and on? It has been said that the judgment of the Council on the last occasion, was more or less swayed by the open and public declaration of the Ministers, that they would devote a portion of their salaries to works of public utility. If that was so, I suggest that it is a very ungenerous presumption to make, that the Hon'ble Ministers have not given effect to their declaration or that they do not mean to give effect to it. Therefore, Sir, this very question of the reduction of Ministers' salaries has again been raised, apparently on the ground of economy. Nobody doubts that there is a financial crisis. To meet this crisis, we have to find out ways and means. But, Sir, Rs. 16,000 or a lesser amount reduced in the budget is nothing. If the salary of the Ministers be reduced by Rs. 1,000 each, then we reduce only Rs. 18,000 *i.e.*, only one part out of 225 of the deficit, which is staring us in the face. It has been said that it is a mere "drop" in the ocean. No doubt we ought to take care of the drops in the ocean, but at the same time, I should be satisfied if that point be taken into account in reference to all the different departments. We have to see how our standing committees retrench in the different departments to which they have been attached. Then, Sir, why should the salaries of the Ministers be cut down? Why should it be less than the salaries of the Hon'ble Members of the Executive Council? Is their work less important and less onerous? Would anybody tell this House, that their Indian brethren in the Civil Service should receive a lower salary than that of their European colleagues? Then, why should we take up the case of the Ministers alone? It has been said with some gusto of idealism, that salary does not affect the status. I submit that it does. One Hon'ble Member has misquoted the Scotch poet who said "rank is but the guinea's stamp but a man's a man for a' that and a' that." Now I submit to the House that none of the Hon'ble Members can say that Ministers are not "men." It is for that reason that they are entitled to their salary. It has also been said that the Ministers should lay upon themselves, a self-denying ordinance by accepting a lower salary. That would be a very good proposition and very good dictum, but, pray tell me, how many of us are prepared to accept the dictum and follow that ideal? Last of all, these amendments have been meant or brought in, as a vote of censure or want of confidence. What have they done to deserve this vote of censure? It has been mentioned that the Ministers did not protest against the inauguration of the repressive policy in Bengal. And what about their own protest? I mean that of the members of this Council. I remember perfectly, what happened on the 19th of December, in this very Council Chamber. If I remember aright, the trend of the debate, on that occasion, was nothing but a chorus of indignation and condemnation of the doings of the non-co-operators. If that was so, their protest should have been made by resigning their seats. How many members have resigned their seats? None! I, therefore, think that it is not quite right for the members to bring a

vote of censure upon the Ministers who have no right under the statute, to interfere with the working of the "Reserved" departments. An hon'ble friend read out only a portion of the report of the Joint Committee but omitted to refer to the few lines which follow.

Now, we quite see on whom the responsibility rests, and the Ministers have been condemned for an act for which the responsibility lies on the members of the Legislative Council and the members of the Executive Council who, as you know, came forward openly before you, and declared that they were prepared to take the responsibility upon their own shoulders. Under these circumtsances, a vote of censure upon the Hon'ble Ministers alone, is unjustifiable and is made on flimsy grounds. In conclusion, I think we should always be guided by practical statesmanship and not by personal jealousies and any hankering after cheap notoriety. Let us not play to the gallery, for securing a momentary applause. Let us be sane. Under these circumstances, I beg to oppose all the amendments that have been proposed.

Maulvi RAFI UDDIN AHMED: I beg to support the motion of Professor Mukherji. This motion and the second part of the motion of Rai Haridhan Dutt Bahadur are the same. To me this motion seems to be more reasonable because the money which the Ministers have drawn in good faith should not refunded. There is certainly no estoppel against law and the Ministers are bound to accept the money that is sanctioned by the Council. But, Sir, conscience dictates otherwise. They have already drawn the amount and spent the amount. It will be very hard to refund the amount now. This is no fault of theirs but our fault to put them to this awkward position.

Some of the members are of opinion that we need not reduce their pay at present and that we shall do so during the Budget. I have the gravest objection to this. Then the questions of *res judicata*, waiver and acquiescence will arise though not legally but morally. Besides the pay at the increased rate will be shown in the Budget and if we reduce it, then this sum we shall not be able to locate elsewhere. If, however, we reduce it now the money thus saved may be located to some useful purposes,—so the matter must be taken up now.

First, the question has arisen if our Ministers are equal to the Members of the Executive Council in importance and responsibility. No doubt it was the co-operation of the Congress and the Muslim League to get our Ministers equal to the Members of the Executive Council. But have we really got it? Members of the Executive Council are appointed by the Secretary of State and can be removed by him alone whereas the Ministers are appointed by the Local Government and can be removed by it alone. Members of the Executive Council are responsible to the Crown alone, but the Ministers are responsible to the Crown and to the people. So there is a great deal of difference between the two

posts. Next I shall deal with the question of prestige. The Government have followed a policy of repression and our Ministers have failed to save the people from the oppression. Ministers have not raised their fingers against the policy or have done so in vain. Public opinion is that our Ministers are not consulted. Let us hear from our Ministers themselves in this Council if they were consulted. Let us hear also what opinion they expressed to Government and let us hear if Government acted according to their advice. I throw out a challenge on the matter to Sir Surendra Nath to enlighten the public in this open Council. Silence on his part will lead the public to believe that they were not consulted and that they have no prestige whatsoever with the Government and so they are bound to resign. Even if they were consulted and they supported the Government against the people they cannot be called the accredited representatives of the people and so they are unpopular and must resign. If they were consulted and they opposed the Government and the Government refused to hear them, certainly they have no prestige with the Government. In that case they have failed to do anything for the people and so they must resign.

They are on the horns of a dilemma. They are between Scylla and Charibdes. They are in a very false position. And for this I do not hold them responsible. It is the lot of the unfortunate people that is responsible. It is their mistake to be the representative of such an unfortunate people—people who have no prestige—how can their representatives have? I do not share the opinion of some other members of this Council to put a censure on our Ministers and reduce their salaries as a measure of censure.

We have been told that so long Members of the Executive Council are paid higher, Ministers' salaries should not be reduced. My reply is that unless we can reduce the pay of our own men we cannot consistently ask Government to reduce the pay of other men. This is exactly what the Bengali adage runs *Jhike mere bowke shiksha deea* which means "persecuting the daughter for teaching the daughter-in-law." Besides it is not pay alone that is responsible for our respect. The Secretary of State for India is paid less than the Governor of a province. That does not lower his position in the estimation of the Government or of the people. Chairmen of District Boards and Municipalities hold honorary posts. That does not lower them. But the Ministers being whole-time servants, let them have a small sum for their allowances to meet their expenses. The word "salary" is highly objectionable. The word "allowance" may be placed instead. Besides our Ministers are the highest amongst us that we can boast of. The Hon'ble Mr. P. C. Mitter has got a fair education, is himself a zamindar and has got the pedigree of being the son of the first Indian Chief Justice of Bengal. Nawab Syed Nawab Ali Chaudhuri belongs to a most ancient Muhammadan family in India and has sacrificed his life-long energies for the cause of his community. And our Sir Surendra Nath

has spent 50 of his valuable years for the improvement of his motherland. He is a *guru* of us all in Bengal and is the political *guru* of India; indeed he was the uncrowned King of India for long and is in the hearts of the people. Our Surendra Nath cannot have any money value. It is this unfortunate position that has lowered him in the estimation of his countrymen. I, amongst others, wish that he should resign his position to die in peace honoured by his countrymen of all shades of political opinion. And that he can do now. Time is opportune. I appeal to him to follow the precept of his forefathers, *sarbanase samutpanne ardham tajati pandita*—in case of difficulty a learned man refuses the half. The precept was ordained by his forefathers and it is for him to follow and ask others to do so just to honour his forefathers. Sir, you will be surprised to hear me quoting a Sanskrit verse which would be like, *Bhuter mukhe Ram nam*: but I could not help but quoting this verse here. Let him make the noble sacrifice of accepting an allowance of Rs. 100 per diem and leave the rest for his countrymen. Let him pave the way of his countrymen to make a piteous appeal to Government for a general reduction of the expenditure and thus save his country from further molestation. Sir, we are told you made a noble sacrifice last year for one-fourth of your allowance. I appeal to you, and to you alone, to make a further allowance.

The Hon'ble Sir HENRY WHEELER: May I rise to a point of order? Is the hon'ble member in order in addressing the Hon'ble Minister direct?

Maulvi RAFI UDDIN AHMED: I appeal to you and to you alone, Sir, because I know the honour lies in store for you to commemorate your name in the hearts of the people once more. And through you, Sir, I appeal to your worthy colleagues to follow your precept to save yourselves and ourselves from the humiliation of opposing each other. My friend, Mr. D. C. Ghose, has said that the mufassal members do not make any sacrifice, and that they ought to sacrifice by foregoing their travelling allowance and halting. Most of us are practising lawyers and not briefless barristers as many others of Calcutta. Do we not make a great sacrifice by losing our practice by remaining here and even if necessary we are ready to forego the travelling allowance if only our leaders show us the path by refusing the entire salary?

Mr. H. BARTON: We have heard some novel speeches delivered in characteristic theatrical style by those who advocate the reduction in the salary of the Hon'ble Ministers, but long speeches alone do not constitute sound argument. In my opinion not a word of sound argument is to be found in the speech of any of the members proposing a reduction in the salary of the Ministers as against the position taken up by Sir Henry Wheeler which remains unshaken. As already explained to the House, this same question was debated threadbare on the first occasion of its

introduction. We have had a good deal of repetition of the arguments then advanced for reduction, and although it is now sought to take advantage of the ruling since obtained that the question is one which is entirely controlled by this Council, it cannot be denied that, even had this fact been known in the first instance, this Council would not have arrived at any other decision than that already given, sanctioning the pay of the Ministers in keeping with the amounts then asked for, and, as pointed out by Sir Henry Wheeler, what we are now asked to do is to merely ratify our previous sanction. The question arises whether a sanction, already given after full deliberation which was the outcome of a record sitting during which every conceivable objection was raised, could now be revoked. To use the decision of legal advisers as a pretext for turning our backs upon a sanction already given notwithstanding that at that time the question of control of the Ministers' salary formed an important part of the discussions would be a breach of faith unworthy of this Council. From the attitude of those who move for a reduction in the Ministers' salaries, it is clearly apparent that a planned attack is being made upon them in which the personal element predominates, nor can it be disguised that one of the reasons for this attitude is the keen displeasure with which they view the alleged acquiescence of the Ministers in the measures adopted by Government for the maintenance of law and order in the Province.

As representatives of the people they are charged with desertion at a time when it is demanded that they should have raised their voices against what is termed Government repression. They are to be penalised, because they have the courage of their convictions to stand by the Government at a time when severe measures are absolutely necessary for the maintenance of law and order in the Province. There is not the slightest doubt that those who are for a reduction in the salaries of the Ministers are taking undue advantage of their position in this Council, feeling, as they doubtless do, that they have the Ministers at their mercy, and they could, therefore, compel them to do their bidding in the manner we are now witnessing. Those who have made the Ministers a target for their attack, and in this instance, men of great reputation are being discredited, have shown how they excel in the art of ridicule and contempt. They would rob them of all prestige and reduce them to a position of abject humiliation thinking thereby to force their hands. We have heard a good deal said about prestige, but whatever prestige these Ministers might have had has been dragged in the dust by the mangling they have received at the hands of certain members, which, to say the least, is ignominious; the entire tenor of some of the speeches has displayed a desire for vindictiveness traceable to the base assumption that these Ministers have sacrificed the interests of their people. We know them to be men of character. But men of character, men with a true sense of their responsibilities never bend before such faction. We have also heard a good deal about sacrifice which the Ministers are asked to make

as an earnest of their concern for the poor overtaxed people of Bengal who, is it said, would be appreciably relieved by the sum to be acquired by the suggested reductions. It is easy to ask other people to make sacrifices, but when the question touches us personally we shrink from it, why should the Ministers be expected to sacrifice more than other members of this Council? We have been told that money is not a factor to be reckoned with the prestige—if so, let those members who are in receipt of double first class travelling and daily allowance of Rs. 10 submit to third class travelling and a forfeiture of the daily allowance. They will tell you that it is staking their prestige. Let those who have dealings with the so-called struggling poor the lawyers, the grain and cloth merchants, the landlords and others at whose mercy the suffering poor classes find themselves, make similar sacrifices, if sacrifice is the chief test of one's concern for the people, let it be shared by all and not restricted to a few. To my mind, it is not that the Ministers are being asked to play a heroic part, but that this House is asked to join in a plan of wholesale robbery of their well-earned emoluments? What we want above all, as has been repeatedly pointed out by the Executive Members of this Council, is good administration. If we want good administration we must be prepared to pay for it. If we went it cheap and nasty we can have it, but we should not then be governing the Province, we shall be running it to a state of chaos.

The arguments we have heard from those proposing a reduction are a repetition of what we have heard on the first occasion on which the same question came before the House, but they did not then deter this Council from sanctioning the salaries asked for. Having sanctioned it, how can we now retract? Whatever new feeling might now actuate those who are after the Ministers' heads, we cannot dishonour ourselves by refusing to ratify our previous sanction. We have been told that this reduction in the salaries of Ministers is a first step, that a similar step will later be advocated as affecting the salaries of the Executive Members, presumably this reduction will then assume an all-round form by which the Heads of Departments and ultimately the lower grades of all Government departments will be placed on reduced salaries, it might even reach out to the struggling Government pensioners—in fact that the pruning-knife will later be applied ruthlessly regardless of the consequences. Let me warn the House again as I did previously. This is a dangerous policy to pursue. It will be showing the seed of discontent broadcast and it will not be surprising if it resulted in desertion by every Government employee from the Heads of departments down—leaving the administration helpless. Proposals of this nature have a revolutionary tendency which must be avoided, and if the experiment is to be started with the the Ministers, it will be a signal for others to prepare for like treatment but who may, the probablities are that they will, resist

in a manner not likely to reflect creditably on this Council. My advice is to leave well alone. The sum asked for to meet the salaries of Ministers has been sanctioned, and we cannot go back, and by that decision we have resigned our right to further interference. All that the motion by Sir Henry Wheeler implies is the honouring of what this House previously pledged itself to. So much has been said about justice in this House. This is an occasion to show that we rightly understand what justice means—let us dispense it in full measure.

These Ministers are in a very small minority and are at the mercy of this Council as far as numbers go. I refuse to believe that undue advantage will be taken of this position to penalise the Ministers for no other reason than that they lent their support to the Government measures for maintaining law and order. This being so, the decision in both the higher Houses, the Assembly and the Council of State who in the wiser conception of things also support the action of Government, is the strongest evidence that our Ministers acted rightly, for which they deserve credit, and not censure, which, after all, is the real intention of these amendments for reducing their saaries.

I oppose all the amendments for reducing the salaries of Ministers.

Mr. AJOY CHUNDER DUTT: I have listened with very great care to the speeches made yesterday by the gentlemen who demanded that the salaries of the Ministers should either be reduced or refused. There appear to be two main arguments for demanding the reduction or refusal of the salaries of Ministers; the first argument appears to be based on financial grounds, the second argument is based upon the personal ground that the Ministers have forfeited the confidence of the House. Let me, Sir, deal with these two arguments one after another. There is no question that Bengal is at present afflicted with financial stringency; that is the reason why the Government have thought fit to introduce three taxation Bills. I opposed these three taxation Bills because I felt it was the first duty of Government to have the award of the Meston Committee altered. I have all along felt that taxation would be necessary but I hope that every penny of the proceeds of new taxes would be spent on the nation-building departments. I find however that the proceeds of the new taxes will be appropriated in a large measure for the purpose of meeting the Budget deficit next year. For this reason, I opposed these Bills. There is no question that financial stringency prevails. I realise it as much as anybody else. But will the financial stringency of Bengal be relieved to an extent by a reduction of the salaries of the Ministers? Let us go into the question more carefully. The Ministers are being paid Rs. 5,333 each. We may reduce that salary to Rs. 3,300. You cannot very well reduce it to anything less. But assuming that the salary is reduced to Rs. 3 300 or 3,400 what saving will be made? A saving of Rs. 2,000 only on each Minister that is to say,

Rs. 6,000 on three Ministers. In other words it works out to Rs. 72,000 a year. Rs. 72,000 a year is a very large sum when it has reference to the wealth of any particular individual, but it is a small sum when compared with our large provincial deficit. We are at present labouring under a deficit of Rs. 2 crores and over, and I do not think that a saving of Rs. 72,000 can really relieve the situation. I do not think it can, and the reduction might lead to a deterioration of the quality of our Ministers. I do not say we shall have worse men but we may have worse men. If we have got to run our administration on sound business principles, we have got to pay for it. I do not see any force in the argument that if the Ministers' salary be reduced to Rs. 3,500 we shall have a claim to a similar reduction in the salaries of the Members of the Executive Council. I ask the Council this question—Will they be able to establish their claim to reduce the pay of the Civil Service? Everybody knows that Civil Servants come out to this country under a contract. Will it be possible to reduce their pay? I do not think so. This argument does not appeal to me. A Minister occupies the same position as a Member of the Executive Council and there is absolutely no reason why he should be paid less.

Let me next deal with the other argument, that is to say, that the salary should be reduced by way of a vote of censure because the Ministers failed to discharge their duties properly during the present political crisis. Before we go further, I think it would be advisable to see what the law is upon the subject. Some extracts from the Joint Committee's Report have already been placed before the House and I desire to quote another extract which, so far as I know, has not been placed before it.

> While the Committee anticipate much advantage from amicable and as far as possible spontaneous association for the purpose of deliberation they would not allow it to confuse the duties and obscure the separate responsibility which will rest on the two parts of the administration Each side of the Government will advise and assist the other; neither will control or impede the other. The responsibility and legislative action in their own field will be placed beyond possibility of doubt on the Ministers and on the majority of the provincial legislatures which support them; and they will be given adequate power to fulfil their charge. Similarly, within that field for which he remains accountable to control the responsibility for action must be vested on the Governor in Council and he must possess unfailing means for the discharge of his duties.

This seems to show quite clearly that the Ministers is in no way responsible for the poorer administration of the reserved departments. The Ministers is responsible and responsible only with reference to the management and control of the transferred departments. He is responsible not to Parliament but to this House and, therefore, indirectly he is responsible to the people of the country. His Excellency the Governor and the Members of the Executive Council are not responsible to the Council, they are responsible to the Secretary of State. Therefore, it seems quite clear that a Minister has no right to foist his views

upon the Members of the Executive Council. He may advise them, but the Members of the Executive Council and His Excellency the Governor may refuse to take his advice. That is how I interpret this extract. It is true that the Joint Committee have expressed the views that on important matters the Ministers should be freely consulted, but it is for the Governor to decide whether he will consult them or not on particular questions. The discretion rests entirely with His Excellency the Governor. I am not supporting by any means this system, because I believe that this system must go, but under the present constitution can the Ministers be held responsible for measures taken by the reserved departments? The Ministers cannot claim as a right to be consulted. In these circumstances, can you throw upon the Ministers the blame for allowing repressive measure to continue when they have no power to stop them? I have spoken more than once on this question and have emphatically condemned these measures, but that is another point. If you cannot blame the Ministers, how can you pass a vote of censure upon the Ministers? I have given notice of a resolution asking the Government to withdraw these repressive measures. The Ministers are in no way responsible for these repressive measures: the persons who are responsible are the Governor and all the Members of the Executive Council. That is my interpretation of the extract from the Report of the Joint Committee which I have just read. The position is, therefore, extremely difficult. I think some members of the Council feel that we are no better than a debating club as no power is given to us to direct and control the policy of Government. If some members feel in that way they can leave the Council as a protest against the Reforms. Dyarchy is a thing which cannot, and in my opinion will not, succeed in this country. The people to-day are clamouring for a share in the control of the policy of Government. In these circumstances, I am perfectly sure that people will never be satisfied with the present Reforms. However that is another point. I now ask every member of this Council to carefully consider if a vote of censure can be passed upon the Ministers. Remember that one of the Ministers is Sir Surendra Nath Banerjea. I remember him from the time when I was six years of age. Let us remember that it was he who introduced the light of political consciousness into Bengal about 40 years ago. Let us remember that for the last 40 years he has been fighting the people's battles. Let us also remember that not very long ago, in 1905, it was he who led the movement against the partition of Bengal with the result that the partition of Bengal was annulled. We should not forget his services in a hurry, and I made this appeal, this final appeal to the members of this Council, "Do not insult an old man who has done so much for us."

Mr. HUSEYN SHAHEED SUHRAWARDY: I must frankly say that I find it difficult and depressing to adopt a position which is apparently unaccepted by the House, however much it sympathises

with us in its heart of hearts. For I find myself opposed indeed, though not in sentiment to members who had made justice and independence their watchword and who could when necessary take up a strong attitude against the Government and help to advance the cause of the country. The Hon'ble Mr. P. C. Mitter does us a grievous wrong when he suggests that it is the popularity of the hour that causes us to swerve from our duty to our country, duty as he understands it. We, no doubt, inform the Government of the popular view, we, no doubt, strive to assert the popular ideals in the Government, we, no doubt, struggle to assure the people their just rights and liberties, but I for one do not look to the country for applause or disapprobation; and those of us who have seen stalwarts rise and fall know that an attitude based on such a flimsy outlook is bound to lead to an inglorious end; rather, I find it extremely difficult not to be in a position to co-operate with the majority of my fellow-workers in the Council on whose help and guidance I have so often relied. For I understand only too well the force of the Minister's remarks uttered before our judgment on the taxation Bills that now—in the January session—he is not dissatisfied with the majority of the members of the Council. I find it difficult, but I note the clearest voice of the country that the Ministers' pay must be reduced either as a monthly deduction or be reduced by a refusal of the last three months' salary. I shall give my reasons shortly.

The first is that we must economise. I need not do more than state it. The second is that it looks indecent and incongruous in the present economic state of the country. The third is that good men, honourable men, patriotic men can be found to work on a less pay, for the privilege of serving the country, for duty of moulding its destinies in the direction of popular ideals. If you divest your mind of the high pay now in vogue and look to the ordinary needs of an Indian in this country to whom you grant a comfortable existence with the privilege of being able to lead a full life, if you imagine for a moment that marble halls and expensive furniture and Parisian decorations are not absolutely necessary for the purpose, if you will also concede that with the growth of responsible Government, Ministers will not be drawn from highly-paid lawyers as such, but from those who have sacrificed their time, their energy and their prospects for what they deem to be service to the country; if then you add to it what is due to self-sacrifice and what can be granted as a danger allowance for a precarious tenure and subtract from it what one is ready to give up for the privilege of serving one's country, you will soon realise that the salary of Rs. 54,000 a year is an exorbitant sum, is a gift, which is not warranted by economic conditions.

My fourth reason is that the Ministers, as Indians, should show the way to a cheaper cost of administration so that we can with greater force press for the Indianisation of the services as leading to a cheap

and efficient administration commensurate with the poverty of country like India.

My fifth reason is that the office of Ministers under the dyarchy should not carry with it the same pay as the office of a Member of the Executive Council, and I ask the new Rai Bahadur Saheb to note this point. Last time when the pay of the Ministers was being discussed, I was of opinion that we should not pay our own representatives less than what is paid to those who occupy the same official status and are beyond our control. On the other hand the former being our own people, and nominally within our control, we should strive to place them on a higher pedestal than even the Members of the Executive Council and work loyally with them. These and similar arguments weighed with me at the time, but since then my eyes and the eyes of several have been opened. The Ministers at a time when such a crisis has faced the country have disclaimed all responsibility for the act of the Government and have sheltered themselves behind a sentence in the Joint Committee's report in a manner which does not speak well for their courage or independence. With your permission, I shall read from the Report of the Committee already placed before the House. The Committee say—

> They regard it as of the highest importance that the Government should foster the habit of free consultation between both halves of the Government and indeed that the Governor should insist upon it in all important matters of common interest.

I pause here for a moment. I do not think anybody will deny, not even the Ministers, that the publication of the notifications, that their continuation, that the way they have been fulfilled, that the whole policy with reference to these, are important matters and are matters of common interest inasmuch as they affect the life and liberties of the whole people of Bengal. I grant it that under this scheme they are not bound to advise the Government unless called upon by His Excellency, but I say this that it was their duty to themselves, to their country, to the Council and to the Reforms to assert themselves. What follows supports my view. The Report proceeds as follows—

> He will thus ensure that the Ministers will contribute their knowledge of the people's wishes and susceptibilities and the Members of his Executive Council their administrative experience to the joint wisdom of Government.

I continue further. I read what Mr. Indu Bhushan Dutta was called upon to read and which is supposed to clinch the arguments for the Ministers. "But while the Committee anticipate much advantage from amicable and as far as possible spontaneous"—have the Ministers marked the word "spontaneous"—"association for purposes of deliberation, they would not allow it to confuse the duties or obscure the separate responsibilities which will rest on the two parts of the administration. Each side of the Government will advise and assist the other; neither will control or impede the other" and then the responsibility is fixed in the transferred departments on the Minister

in charge absolutely, on the reserved side on the Governor in Council. We know it, we are aware of it, that this is the constitutional position—the Minister, though loudly acclaimed and acclaiming himself as a part of the Government—is a mere departmental head. Nobody suggests that the Ministers, as such, are directly responsible for the policy of the Government; nobody suggests that they have initiated it, nobody suggests that if and when the Parliament questions these acts, the Ministers will be held responsible and not the Governor in Council. No, Sir, we are only too well aware of the constitutional position, and that is the reason why the dyarchy scheme has got so many enemies, because every one knew that a time would come when it was bound to give way and that time has now come, when the spirit of the Reforms has been thrown over, and the latter has been adhered to. This is what the Ministers have done. I grant it that under this scheme they are not responsible for the policy of the Government, I grant it that under this scheme, the Governor should seek their advice, but I say this that it was their duty to themselves, to their country, to the Council and to the Reforms to assert themselves spontaneously. We have entered the Council with a view to making the Reforms a success no less ardently than the Ministers themselves desire, but we cannot remain stationary The dyarchy scheme is illogical and full of deficiencies, and the Hon'ble Ministers themselves will agree with me that it is our duty to utilise these very Reforms for the developing of a political consciousness and for striving for further powers; and by showing up its glaring shortcomings bring about a speedy revision. Much of the success, therefore, of the Reforms depends upon the attitude of the Ministers themsleves in the Government and how they utilise the position that they occupy. They are not *strictly* bound under the Report of the Joint Scheme to proffer their advice, although the word "should" clearly indicates that they are to be considered an important factor in the administration of the country and in the shaping of policy, still I hold and I ask the Council to hold with me, that if they had the good of the Reforms at heart, if they had realised the position that they occupy in the Reforms, *that they are meant to occupy*, they should have felt it their duty to *assert* themselves in spite of the dyarchy scheme, and thus advance one step forward towards reponsible Government. I would ask the Council to note that I use the word "assert" as opposed to mere advice. On the other hand, rather than face responsibility they have willingly placed themselves in the ranks of glorified Secretaries, mere heads of departments. I cannot congratulate the Ministers on this assumption of inferiority. I cannot admire their conduct when they tell us that they are not responsible; that if we have any greivance, we should attack that portion of the Government on which the responsibility lies, and leave them alone. Over and over again have we marked this attitude on their part, over and over again they have been too ready to rid themselves of blame, and I can assure you

that the spectacle is not edifying. If they can then have willingly belittled themselves, and belittled the Council whose accredited representatives they were; if they have willingly abanodned a position they could easily have secured, the Council ought not to give them a status they have declined. We do not wish to pay a person the same wages as we pay to a person who has greater responsibilities and greater burdens.

Lastly, I say that the Ministers' pay should be reduced or refused for these last three months because they have failed in their duty by the country as citizens, as leaders, as representatives of the people and of the Council. It may not be known generally, but the Ministers have not received their pay since November last. I am not desirous that they should be deprived of the pay that they have received, or felt that they were entitled to receive. Last December, they knew which way the wind blew; and from January they have ceased to earn their pay. If we refuse the pay for the last three months, they will have received Rs. 4,000 a month on an average which may appear generous enough to many. I do say that the Ministers having ceased to have the confidence of the people they should cease to occupy the responsible positions that they now hold. It was the clear and bounden duty of the Ministers to have advised the Government in the present crisis. When persons totally unconnected with the Government, totally out of touch with the people, persons who could not speak for any but themselves could run to Government House with tales of woe, it was incumbent on the Ministers, the ornaments of the Council, the sons of the country which they adorn, and have adorned with lustre, the repositories of the confidence of the people, the intermediaries between a Government aloof in its administrative experience and the people. It was incumbent on those who could have spoken with a voice of authority, to have given the Government counsel, even though it may have been unsolicited. It was the duty of the Ministers in their weekly conclaves to have given expression to their views, and I feel sure that the Government would never have inaugurated these acts of repression if the Ministers had not supported them by words or, to give them all the credit possible, by silence. Once more they have hesitated and their hesitation has cost their country dear. I feel sure that if they had protested against the excesses of the Police, these could not have continued for so long, the Police of Calcutta could not have been given the free hand which, while it may have succeeded in terrorising a certain section of the people has created enemies for the Government all round and jeopardised all law and order. I shall dilate upon this at some future time. We find it indeed difficult to believe that His Excellency, so anxious to work the Reforms, not only in the letter but in the spirit, so anxious to obtain the views of the Council, should have failed to find out what were the views of the Ministers, leaders of the Council as chosen by himself. Or, perhaps, I am doing the Hon'ble the Ministers an injustice. They

have given expression to their views, they have had the courage in this grave crisis, when the whole of the future of India is at stake, to advise the Government as to the feeling in the country and the policy that the Government should adopt. And now the question arises how they have advised the Government. If their advice has been against repression, and this advice has clearly not been followed, either on the question of policy, or on the methods adopted by the Police, then they stand discredited and humiliated before the Government. Surely, Sir, it is incumbent on them, the leaders of a people speaking with a voice of authority on a matter which affects the life and liberties of the people, to resign from such a humiliating position. And as certain as certain can be, no Government henceforth will be able to exist which will not consult, and having consulted, will refuse to follow what the Ministers advise. And if in this crisis they have advised the Government that this policy was, and is, and continues to be justified, that the repressive acts of the Police are justified, or, having so advised, they have not protested against their withdrawal when it is clearly working to the detriment of the country, then let me state that we do not want such Ministers who will deliberately advise the Government to throttle the political life of a people, that will deliberately connive at the repressive acts of the Government, that will sell their country for a mess of pottage. There is no need to tell the Council that at the worst whatever may have been the conditions on or about the 17th of November, the policy was not justified in the days following, is not justified at the present moment; nay more, it stands condemned as having let loose the tide of opposition and discontent——

Here the member having reached his time-limit, had to resume his seat.

Rai RADHA CHARAN PAL Bahadur: I regret the heat that has been engendered by the motion, brought forward by the Hon'ble Sir Henry Wheeler. There are seven amendments before this House, and that clearly shows that the House has not been able to make up its mind as to the course of action that it should follow with regard to the demand of the Hon'ble Sir Henry Wheeler. I think, Sir, that having regard to the different propositions that have been made, it would be prudent on our part to adjourn to a Committee of the House and to discuss what would be a suitable line of action that might be adopted with reference to the various propositions that have been put forward. That suggestion was made, on a previous occasion in this Council Chamber, by Babu Indu Bhushan Dutta and Maulvi Fazl-ul Haq, but unfortunately, it was not carried and various other resolutions were moved, and ultimately all of them were lost. I yet hope that some such course may be devised which will enable us to adopt a concerted policy with regard to this very important proposition. I deeply regret to have to deprecate the observations of Mr. Barton. I am afraid he has done a greater disservice to the Hon'ble Ministers than any other member of the Council. He has

remarked that the House seemed to have condemned the Hon'ble Ministers for their acquiescence in the matter of the repressive policy adopted by Government. I think the Hon'ble Ministers may very well say " Save us from our friends ". I do not think the Hon'ble Ministers had anything to do with it. I have not yet heard from them, but so far as I can gather from their attitude, they could not have acquiesced in the repressive policy adopted by Government. I wanted to elicit this information by putting a formula question in the Council, but Government in their wisdom have disallowed that question; so we have to wait till we hear something from the Ministers themselves on the point. As I have said, from other indications I have reason to believe that the Hon'ble Ministers could not very well acquiesce in the repressive measures adopted by Government. We all know that the National Liberal League is the body which has come into existence through the united efforts of the Ministers, and their colleagues are men who are pledged to see to it that the Reforms prove successful. Well, what do I find? I find that the National Liberal League in no uncertain terms condemned the repressive measures adopted by the Government and have addressed a strong representation to Government on this subject, and that League is presided over by no less a personage than the Hon'ble Sir Surendra Nath Banerjea. (A voice: " This was disowned by the Ministers.")

I do not know whether it was disowned. It is very clear, therefore, that the Ministers are not in sympathy with the repressive policy of Government. The Ministers seem to have been muzzled altogether.

As regards the question of the reduction of salaries, I have the greatest respect for the occupants of the Ministers' offices, but I think it is my duty to say that there is a large volume of public opinion in this country in regard to this matter. I had the honour of consultation with some of the eminent men connected directly or indirectly with the administration, men who had taken part in shaping the Reforms, and what I find is, that even in that quarter, an opinion has been expressed that the Ministers' salaries might very fitly be reduced. The question is—What should be the suitable salary for the Ministers? Some of the proposals seem to be absurd. The proposals vary from " no salary " to " salaries up to Rs. 4,000 " and my view is that if the House do not consider it advisable at this stage, before the budget comes up next March, to appoint a committee to go into the matter, it should not be less than Rs. 4,000 a month—that is the motion of Dr. J. N. Moitra, and, I believe, so far as I could understand from the declaration made by the Hon'ble Ministers themselves, that they thought that this salary would be quite consistent with the dignity and prestige of the office. The question is so much clouded by prejudice, by rabid personal attack, that naturally no impartial and dispassionate judgment is possible on the subject. I fully believe that it is a mistake to make a personal attack on the Hon'ble Ministers. I think the question ought to be

judged on its own merits, that is, whether Rs. 4,000 or any other sum, is a suitable salary for the Hon'ble Ministers. When I look round and find a man of such outstanding ability like Justice Sir Asutosh Mookerjee devoting his whole life, in addition to the work as a Judge of the High Court, to the promotion of education in the province, and content with Rs. 4,000 a month, I do not see why we should not get suitable men to fill up the posts of Ministers on that salary. I think the Hon'ble Ministers are not unreasonable, but if we persist in attacking them, if we simply raise the question that the salary is to be reduced by a vote of censure on them, then we practically cloud the whole question, and in this way we shall be diverting the sympathy of a considerable number of the members of this House from the main issue before us. There is another point, a most important point, which ought not to be overlooked. It is a mere technical point so far as the voting of the grant for the current year is concerned, because we have, after many days' debate in this Council, by a majority, voted a salary of Rs. 5,300 odd per month. For several months past they have drawn this salary. I am glad to now find that a large number of the speakers are not in sympathy with the proposition that they should be asked to refund any sum that they have drawn, and, therefore, I am inclined to think that the money, which was voted by a majority, drawn by the Ministers, should not be called back. I believe, and I honestly believe, that a salary of Rs. 4,000 is a suitable one and ought not to be reduced. I also think that it would be a breach of faith on our part if we ask for a refund of the money that has been drawn with the sanction of this Council. (Mr. D. C. Ghose—"Bravo"). I do not know whether I deserve any "bravo" from Mr. D. C. Ghose because I do not wish to be in his company.

Mr. D. C. CHOSE: Nor do I, in yours.

Rai RADHA CHARAN PAL Bahadur: I am very glad to hear that. I want to say what I honestly feel in my own conviction. I am not discussing the point with him. I believe that, if it were permissible at this stage, with the permission of the House, I would move that before the next budget we should appoint a committee consisting of at least five non-official and two official members to consider the question of the Ministers' salary. I do not know whether I am in order, but the acceptance of my proposal as an amendment is in your hands; it will obviate much discussion.

Mr. D. C. CHOSE: I rise to a point of order. Is there any motion before the House to appoint a committee?

The DEPUTY-PRESIDENT: No, there is no such motion; it cannot be permitted.

Raja MANMATHA NATH RAY CHOUDHURY: I would not be justified taking up the time of the Council if I were only to add to the

numerous arguments to which we have listened, the arguments which both sides have advanced. I should like to look upon this question from a new stand point. This Council should not forget that almost all the movers of the amendments have made it abundantly clear that these amendments constitute a vote of censure on the Ministers. (A voice: "Not all").

If not all, certainly very many of them. However that may be, the point is whether this Council is prepared to consider these amendments as mere financial propositions based on economic grounds, or collectively, a vote of censure on the Ministers. I, for my part, would object to Kumar Shib Shekhareswar Ray and his friends, making, as it were, an insidious attempt to stab the Ministers from behind. If he or his friends really wanted to pass a vote of censure on the Ministers they ought to have, in fact, brought before this Council, a motion to that effect, pure and simple. But I would not allow them to do so under masks which were meant to give them the appearance of unsophisticated financial critics. Well, I think a great moral issue is involved on the point I have raised and it is also supported by reason. On this ground, if not for anything else, the Council should refuse to discuss the financial or constitutional aspects of the question and reject the amendments.

One of the speakers, my friend Rai Harendranath Chaudhuri, said that one of the Ministers had said some time ago that because the Government of India had blundered, he would not allow Bengal to be taxed. Such a declaration on the part of the Minister must have been of considerable use to us at that time, but as that blunder was not removed, Bengal has had to be taxed in some shape or other; and the Minister had to acquiesce in proposals for such taxes as were least objectionable. However, that is not the point I am going to raise to-day. My point is that these gentlemen should either have brought before this Council a vote of censure, or these amendments as purely economic proposals. But as they hopelessly and inseparably mixed the two things together, there is no other course left open to this Council, but to reject these amendments *en masse*.

Mr. H. A. STARK: We do not need to defend the Ministers against the attacks that have been made upon them. They are well able to take up the cudgels for themselves. But it is just as well that some people should be reminded that all they say does not necessarily carry conviction. Much has been said about men taking high office for the bare privilege of serving their country. They are to give their country everything, and their grateful country is to give them nothing! In this case the laws of supply and demand, work and wages, are not to exist. Everywhere else the maxims are to continue that the labourer is worthy of his hire, and "Same work, same pay." Our Ministers do the same quality and quantity of work as the Executive Members. Why should they not have the same pay as the latter? Let us not get hold of the stick at the wrong end. If we be so disposed, let us get the salaries of

the Executive Members reduced and then level down the salaries of the Ministers. If we cannot do the one, in fairness we ought not to attempt the other. But is there a true ring in the demand for a reduction in the salaries of the Ministers? In all I have heard there has been more of attacking persons than of grappling with a financial problem. If the province cannot bear the expenditure of Rs. 1,92,000 let us say so; and on that ground ask the Ministers to take what we can afford to pay, or to make way for others who will. But to make alleged bad work and breach of faith a lever for reducing our Ministers' salaries, is neither justifiable nor creditable. How many of us have asked ourselves, taking the work done by our Ministers—whatever it may be—whether in their places we would have done more and better. Let us be true to ourselves and fair to them. Condemnation is so easy, and the temptation to judge so much greater than the inclination to be judged. It would be interesting to know how many of our members of this Council are accustomed to voice the ascertained wishes of their constituents. If they speak merely on their behalf, then it cannot be said that the people of the province are with them. Personally, I think we have much to congratulate ourselves upon, and it is our duty to sustain and support our Ministers, and to give them the salaries which they were led to expect when they entered upon office.

In the speeches to which we have listened on the demand for Rs. 1,92,000 for the salaries of the Ministers, we have had poured into our ears the whole gamut of their sins of omission and commission, and for which their salaries should be reduced till they reach Rai Harendranath Chaudhuri's vanishing point. Now, there are many of us in this Hall who are not content to come to the conclusion that people are guilty because some one has declared them to be so. There are many of us who hear in the present discussion only the echo of the violent and irresponsible attacks made on the salaries proposed for the Ministers barely a year ago. We recognise that it is the habit of some to prove their case by exaggeration and invective. In ancient times in naval engagements, Chinese junks flung stink-pots at one another, thus hoping to put their enemy to flight. But in these days we recognise that the language of the prosecuting counsel must be discounted, and the truth found after much sifting. There are many of us here who hold that the Ministers have done exceedingly well considering the time and money at their disposal. We have no doubt that within the space of a year they would have rejoiced to usher in the millenium of Bengal, and because they have not done so, it would appear that some people think that the Ministers should be lashed with the tongue, that they should be exposed to scathing and undeserved criticism—criticism vitiated by personal antagonism, criticism unrestrained in its range, and wild in its demands. The very enormity of the outrage has caused a revulsion of feeling in favour of the Ministers, and a determination to keep them in their places, and to continue to them their accustomed emoluments.

Rai JOGENDRA CHUNDER GHOSE Bahadur: *I was not inclined to speak on this occasion.* I had already given my reasons on a previous occasion. Further, from the debates of the last three days, I found that one's intentions and words are apt to be misinterpreted by the supporters of Government. There were not more than six gentlemen who opposed the taxation proposals on the ground of repression. One of the Ministers was pleased to say that he could understand their opposition as one of principle, but he could not understand the opposition of other people. Among the other people was myself who opposed the taxes on the ground that they were unjust, iniquitious and taxes on the poor. Our arguments were brushed aside on the suspicion that they were dictated by disloyalty and diluted by anarchism. When the taxes came on for discussion, I opposed it on constitutional grounds. In the course of my arguments, I said, " Let not the rich men who are here and who are going to support the taxes imagine that their properties will never change hands." I gave them hundred years as the time-limit in which their properties would pass away from their families. These words of mine were misinterpreted and I was told point-blank that I was opposing the taxes on the ground that I was a rich landlord and was apprehensive that my children would not enjoy their patrimony.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I did not say that. What I——

The DEPUTY-PRESIDENT: Please do not interrupt him.

Rai JOGENDRA CHUNDER GHOSE Bahadur: Then I was told that I opposed it on the ground that I was a rich man and cared for my children. From my boyhood up to this day, I have been acting on that principle. I have prayed to God to keep me far from vanity and I craved neither for riches nor poverty, and I wanted my children not to be rich, nor poor—rich, so that they might deny God, and—poor, so that they might steal and take the name of God in vain. When these taxes were supported I found the rich men and everybody supported them in the name of God. This has been so in all cases in every country. The oppressors of the poor have always oppressed in the name of God. I want to know whether our Ministers are representatives of the people. The Hon'ble Mr. Kerr told us, and it delighted my heart to hear it, that he was a representative of the bureaucracy and would act accordingly. If our Ministers would say the same thing, I will at once withdraw my objection. Sir, the distinction is clear. If so, what is the difference between a Member of the Executive Council and a Minister. A Member of the Executive Council represents the bureaucracy, whereas a Minister represents the people. That is a great difference, a difference which, I am afraid, is not appreciated. Is it known to the Government and to

our Ministers that no question has agitated the people of Bengal more than this question of the rate of salary? Go to a *modi's* shop and you will find this question discussed, go to the Indian Association, of which my friends the Ministers are the founders and leaders, and you will find a gerat majority of the members there are opposed to the present rate of salaries. ("Hear, hear.") I should have kept quiet having regard to the misinterpretations one's actions are liable to. I should have allowed the Government to go on in their reckless extravagant course, piling tax upon tax upon the poor people of this country until they can bear no further, but I am one of those men who desire to live in peace and order under the British rule and why? So that modern culture may be permeated to the masses of the country. I am afraid I am not yet so patriotic as to rise above the charm of learning as Mahatma Gandhi desires us to do, as I find in to-day's paper. I am therefore anxious that the Government should be even with the people of this country. Now, Sir, European members here consider and many supporters of the Ministers consider, that our actions are dictated by disloyalty and ill-will, but you should remember that we have no option left to us. The Hon'ble Mr. Kerr distinctly told us that it was the clear duty of the elected members to vote according to the wishes of their constituencies. I thank him for that observation. If that be so, let no elected member here flout the opinion of his constituency and for purposes of selfish aggrandisement. I am not actuated by ill-will to the Ministers. The Ministers know very well, Sir Surendra Nath Banerjea knows very well, that when the budget discussion came on, at his request I supported him for three consecutive days on every amendment and saw every amendment rejected. ("Hear, hear.") I bear no ill-will to him nor to Mr. P. C. Mitter. Nor do I bear any ill-will to the Government. When the Chandpur and certain affairs came on for discussion and the repression discussion took place, our Ministers kept silent. I found that Sir Surendra Nath Banerjea made good for lost opportunities yesterday by making a vigorous defence of the Government. As I told you, I have no option left. I have given a pledge to my constituency that I shall try my best to reduce all salaries above Rs. 2,000. The country gave its verdict in unmistakable terms. Is it not my clear duty to try my best to uphold that verdict? Are there not a large number of members in the Council who voted for me on that platform? Can they now go against their own verdict? Sir, this is my position and the position of every graduate here who voted for me. I proved on the last occasion how in every other country, except England, in every State in America, in Japan, in all the big colonies of England overseas, the salaries are ordinarily less than Rs. 2,000 a month. You will probably learn very soon that the salaries of the Ministers of the new Irish State are less than Rs. 2,000 a month. Why make Bengal the laughing-stock of the world ("Hear, hear") by giving the Ministers of a practically bankrupt Government Rs. 65,000 a year? (A voice: Rs. 64,000.)

Yes, Rs. 64,000, by imposing new taxes. Let not the Ministers consider for a moment that my action is directed aganst them personally though I and the country have reasons to be dissatisfied with them. Did they not vehemently oppose the resolutions about providing medical relief and drinking water to the poor and pour ridicule upon my devoted head? Did they not oppose the resolution about the establishment of Technological Colleges? These were all passed notwithstanding the support the European members gave the Ministers. Have I and this Council and the country not good cause to be dissatisfied? We have three taxes and we have been threatened with a further land tax and the day before yesterday one of the Ministers threatened us with the dissolution of the Council.

[At this stage the member reached the time-limit.]

The DEPUTY-PRESIDENT: You may finish the sentence.

Rai JOGENDRA CHUNDER GHOSE Bahadur: I have got a last appeal to make to the Ministers. I showed on the last occasion the utter hollowness of the objection on the ground of prestige. Sir Surendra Nath Banerjea has become old. I, who was a boy when he began his brilliant meteoric career, even I have grown old.

Babu SURENDRA NATH MALLIK: It is obvious to many of my friends that it is not without some reluctance that I rise to take part in this debate. Situated as I am, it is indeed a very unpleasant duty to me. But representing as I do my constituency, I have got to face it. At the very outset, I take exception to the Hon'ble Sir Henry Wheeler making this demand. It is the Ministers who should have made the demand for their pay and establishment. If, on account of the budget that becomes absolutely necessary, then that order ought to be changed from this time.

I cannot also accept the Hon'ble Sir Henry Wheeler's doubtful exposition of the constitutional doctrine that Ministers are not to be criticised for reserved department policy. There is no precedent for a dyarchy like ours and hence no constitutional bondage. This dyarchy is the gift of a suspecting giver to an unfortunate receiver of a very questionable boon. Our Ministers have been selected from amongst ourselves, the elected members. They are the popular representatives on the Government Board and not mere puppets there. The direct mandate of His Gracious Majesty the King-Emperor to His Excellency the Governor of Bengal is to consult them as part of one whole in all important matters. I read clause (*4*) of His instructions to the Governor:—

Nevertheless you shall encourage the habit of joint deliberation between yourself and your Councillors and your Ministers in order that the experience of your official advisers may be at the disposal of your Ministers and the knowledge of your Ministers as to the wishes of the people may be at the disposal of your Councillors.

Sir, mark the words, " the wishes of the people." Hence, the justification of our criticising the conduct of the Ministers in all vital matters and taking the Government as one whole, as it is often said to be. The criticism and the justification for it is obvious. There is no reason for me to quarrel with our Ministers for their work in their own departments. I confess that they are in a very unfortunate position. Government do not give them money. People are impatient for reforms from long-suffering, and they demand immediate action. Hence it is that their position is unfortunate and unenviable. I have no doubt, however, that they have been doing their best for us in their respective lines.

Last year, I supported the full pay of Rs. 64,000 (" Hear, hear "). The strongest reasons to the contrary were brushed aside by me in order to give the Ministers equal pay and equal position, and I might add—equal strength in the deliberations; and so I strongly supported it with very high hopes. I did not like to pull my own countrymen down to any level lower than that of the Members of the Executive Council. For I wanted them to assert themselves. I wanted them to be of the same position; but I must confess that I have been grievously disappointed. Government, with its bureaucratic policy and intolerance of popular control and to the total disregard of the Royal Mandate, deliberately treated our representatives on the Government Board practically as *nobodies*. They were, I have strong reasons to believe, not even consulted by the bureaucrats when a policy involving drastic consequences to the country were being accepted and put into operation—and why? Because, they did not care to ascertain the wishes of the people—not used to it. Special criminal laws of high potency were introduced; all rights of citizens to hold meetings were suspended, the Indian Press was practically gagged—all this done without consulting the Ministers which they had a right to, according to the Royal Mandate. Whom could the Government have consulted in this country with great advantage to our countrymen than that venerable man who has been with a mission in his life to stand by and protect his country against unjust aggressions on the fundamental rights of my countrymen (" Hear, hear.") This clearly shows why the Government did not do that, when he was near at hand. They clearly knew what answer they would get, and that is the reason why they did not ask our responsible Ministers with regard to the wishes of the people whom they represent; and this they did at the risk of disobeying the Royal Mandate.

The criticism that has been levelled against our Ministers by our countrymen is due more to what has not been done than what has been done by them in connection with the policy of repression. The responsibility for giving occasion to such criticisms against the Ministers is entirely on the Government, due to their culpable disregard of the spirit of the Reforms. It is the result of the determination of the wooden-minded bureaucrats to reduce the Reforms to a name only and

to keep the people as much away from the real administration of the country to-day, as they were sixty years before. Thus, Sir, the Government has disabused me of my fetish of equal pay for equal position. I am now convinced that, however high the pay we might give to our Ministers, they will be treated as mere second fiddles—as mere Heads of Departments in all matters of vital importance to us rather than as responsible Ministers who ought to be consulted and whose opinion ought to be regarded and given effect to. Looking at the question from this point of view, I shall be failing in my duty if I do not admit that the only reason on which I based my vote for equality of pay last year has been unjustly invalidated by the Government's own conduct ("Hear, hear"). And that conduct is based on the distrust of ourselves and of our representatives, the Ministers. Sir, with this situation rudely staring us in the face, and with the heavy deficit before us, is it not now clearly our duty to retrench pays all round and with the Ministers first of all we must make a beginning in order to show it as an example to the officials and this is what I suggest. There is a continuous cry for retrenchment which I and many of my friends are making here incessantly and to give effect to that we must begin with our Ministers, because it is there we can approach; we cannot, however, approach other persons. Our object is to obtain *swaraj* by Indianising the administration, the underlying idea being that we shall be able to carry on our Government cheaper if we are allowed to do it. By "we," I mean the children of the soil, *i.e.*, the Indians. British labour is too costly for us and we have realised it. I cannot expect a Britisher to work at a sacrifice here—the labourer must get adequate hire for working as an exile here throughout his life, for there is no noble sentiment that can keep him here, it is merely a question of hire and that is all. But in the case of my countrymen, the matter is entirely different. Look to Mr. Asquith, look to Lord Haldane, what a splendid practice and what a fortune had been given up by them for the purpose of serving the British Cabinet. Why? Because the country they were serving was their own and their motherland. Coming nearer home, we may look to our esteemed and hon'ble friend, Mr. Bhupendra Nath Basu. What he is serving in England for, at his old age, leaving his splendid practice and his happy home and working in a foreign country which has such a rigorous climate; and he is working on a pay less than half of what our Ministers are getting here. I, therefore, think that no man, who wants to take the opportunity of serving his own moherland, ought to claim anything more than that. And who in India, we pray, is more anxious or has a greater right to do it than the venerable leader of the country who has devoted the whole of his life in the cause of his country. I, therefore, think and I do believe that, under the present circumstances and all things being considered, there is ample justification for our reducing the pay. I do, however, realise that there was something like an understanding that was given when these gentlemen came to office. For that reason,

I am not for a drastic change. I do not feel that I can support the reduction of pay to Rs. 2,000, or so, not even to Rs. 3,000. I want it to be reduced to the same pay of Rs. 4,000, for which Sir Romesh Chunder, Sir Chandra Madhub, Sir Guru Das, and Mr. Ameer Ali have served my country as Judges of the High Court. I think that it is quite enough pay for our present Ministers; and I therefore suggest that our Ministers may be requested by us to accept it. Let us forget all questions of censure and let us co-operate by accepting Rs. 4,000. I do not know if there is any man who is more anxious to take the advantage of serving his motherland than my venerable friend here; and I think that it might be easily done. I therefore suggest that the pay of Rs. 4,000 be given to them, and that from the month of February next. That course will also obviate other difficulties which I need not refer to in detail. And, Sir, at the same time, I must make it clear that we, as members of this Council, shall never give to their successors a pay more than what Mr. Bhupendra Nath Basu is getting in England; for I do believe that nobody is entitled to get more than Rs. 3,000 in this country, as she cannot afford to pay more. I therefore think that our Ministers will come forward, forgetting all questions of censure, will show their large-heartedness and will say, "Let us forgive and forget and let us shake hands." I will even take the dust off the feet of my venerable *guru* and ask him to accept my proposal and co-operate with us. He will then continue to be the same grand old man of Bengal and of India, as he has all along been to his followers ("Hear, hear").

Maulvi A. K. FAZL-UL HAQ: I extremely regret that owing to an illness in my family and other causes, I was unable to take part in the very exciting debate of the last few days and I sincerely apologise to the Council for my absence. I shall not keep the Council in suspense as to my views on the question under discussion and I will say at once that I oppose all the motions for reduction of the salaries of Ministers ("Hear, hear"). There is no question of shouting "Hear, hear." I oppose the motions as I did last year. It is true that, at one time, I was myself as sorely grieved as any member of this Council at the recent unfortunate happenings and I told some of my friends that unless the policy that had been inaugurated by Government was changed, we might be driven to the necessity of opposing Government and condemning their action in Council. Since then I have had opportunities of considering this question closely. I have come into possession of facts which it is not necessary for me to disclose, but I do not mind telling my friends in this Council that after having given this matter my most anxious consideration, I have come to the conclusion that the reasons for asking for a reduction of the salaries of the Ministers will not bear careful scrutiny. My friend, Mr. Surendra Nath Mallik, has just said that Government has treated the Ministers as mere nobodies; therefore, let us

reduce their salaries. Now, underlying that proposition there is a kind of argument which reminds me of a little story which with the permission of the Council I would relate to my colleagues here. Once upon a time, so goes the story, there was a great king who had for his minister one of the wisest men of his time. It was during those good old days when the foreigner had not come to India and when our countrymen used to sit under the shade of big banyan trees and read books made of leaves and written in mystic characters in blissful ignorance of posts and telegraphs, steamers and motor cars and other modern luxuries. It so happened that on a certain occasion there were torrential rains as a result of which thousands of persons lost their lives. The people were very angry and they demanded of the king that the culprit should be punished. The king called upon the minister to find out the culprit and the minister could not. Thereupon His Majesty ordered that the minister should be hanged. There was a great agitation all over the city and ultimately the barber of the house, with the shrewdness characteristic of his race, came and told the minister that there was no cause for anxiety, as he had found out the culprit. The barber was ushered into the presence of His Majesty and there the barber said that the man who was responsible for the rains was His Majesty's goldsmith. He said that the goldsmith had kindled several huge furnaces as a result of which dense clouds formed from the vapours therefrom, and from the clouds came torrential rains which led to the destruction of lives and properties and therefore the goldsmith should be hanged as the culpit. The goldsmith was then brought before His Majesty and he said that he was not responsible and that one greater than himself was responsible and that was Her Majesty the Queen who had asked him to make some ornaments for her and so he had to kindle those furnaces and if anybody was to be punished it was Her Majesty. The upshot was that the queen was punished. Now this is a kind of reasoning which might have prevailed in those good old days, but it is singularly out of date in the year of grace 1922.

Kumar SHIB SHEKHARESWAR RAY: Who is the barber here?

Maulvi A. K. FAZL-UL HAQ: If my colleagues pursue this, I will point out who the barber is. By this kind of reasoning I will also point out to them that somebody else ought to be punished and not the Ministers. If you want *swaraj*, you must have non-co-operation; if you have non-co-operation you must have *hartals*, and if you have *hartals* you will irritate the European community, and if you irritate the European community you will have civil guards, and if you have civil guards, all sorts of trouble will take place. Therefore, the responsibility for all these troubles lies with other people and not the Ministers.

Coming now to the immediate point, it is said that the Ministers' salaries should be reduced because of the repressive policy of Government. I ask in all seriousness what is it that you call repressive policy? I am

not for a moment going to suggest that people should be sent to jail without trial or all sorts of oppression should be committed on them. It is true that some of the civil guards have been guilty perhaps of offences for which they should have been adequately punished; but the aggrieved persons ought to have come forward and complained against them and the law would have taken its course. But we have got to remember that the civil guards are not a Government institution. It is true that in the organization of the civil guards some of the leading Europeans of the city took a prominent part, but the Europeans are as much citizens of the town as the children of the soil. They thought that they ought to have an organization of civil guards and they organised it. But quite apart from civil guards, we ought to remember the attitude of our own patriots and look at it from their own point of view. Do they complain when they are sent to jail? Does Mr. C. R. Dass complain of being taken to jail? Did Lala Lajpat Rai complain? Did Pandit Moti Lal Nehru complain when he was sent to jail? Then why stand up and say that we are sorry for all these repressive measures. If you want *swaraj* you must go through these sacrifices, and sacrifice is not worth the name, if it is not patiently borne, if really you cannot suffer for the sake of your nation, for the sake of the liberty of the country, you must keep quiet, and if the law takes its own course, it is not for you to complain. After all, on whose behalf are you complaining? The people of the country? Well, they do not acknowledge us; they repudiate us. As a matter of fact not one member of this Council represents anybody but his own self. How is it that these members come forward to speak in the name of the people? Have the people given them a *vakalatnama*? (Here there were loud cries of dissent from several members of the House.)

The DEPUTY-PRESIDENT: The member is entitled to be heard in silence and not to be interrupted.

Maulvi A. K. FAZL-UL-HAQ: I challenge anybody to contradict me. I was myself a candidate and I fought the election. Cart-loads and boat-loads of voters were taken to the polling station like so many dumb, driven cattle.

So far as that is concerned, if really that was the people's mandate, the people might have held meetings or otherwise made their wishes known to us. So far as I am concerned, I have received no mandate from my electorate. I think the salaries of Ministers should not be reduced on this ground.

Then with regard to the ground of economy. So far as this is concerned I do not resile from the position I took up last year when I did not consider that it would be wise and expedient to give the Ministers a salary less than that of the Executive Councillors. As I have been speaking I have heard shouts of " Hear, hear " from all sides, but let me say this that excepting the three Ministers there is not a single member in this House who can claim to have a share in the making of these

Reforms except the humble person who is now addressing the House. So far as the Ministers are concerned, Sir Surendra Nath Banerjea and Mr. Mitter were in the Congress, but not in the Muslim League, the Nawab was in the Muslim League but not in the Congress. But I was both in the Congress and the Muslim League and I know both from the Congress platform and the Muslim League, we fought strenuously that the position of the Members of the Executive Council should not in any way be higher than that of the Ministers in respect of pay and status. I have been closely associated with this question for a long time and I know the amount of discussion that took place for maintaining the pay and position of the Ministers on the same level as that of the Members of the Executive Council. I do not say all this in a spirit of vanity but simply because I had to do more with it than any of my colleagues here. Knowing that, I cannot for any reason whatsoever vote for a reduction on the ground of economy. As for political grounds, I have already given my views. I therefore oppose all the motions for reduction of the Ministers' salaries.

At this stage the Council adjourned for 15 minutes.

After the adjournment.

Maulvi EKRAMUL HUQ: It may be within the remembrance of my colleagues here that when the matter of reduction of the number of Members of the Executive Council came before us, I had the honour of supporting reduction. On a similar motion for reduction of the number of Ministers, I raised my feeble voice against the proposal. I have always thought that the self-respect of the country demands that the status of our representatives should on no account be lowered. To my mind, the Ministers' position as representatives of the people should be just next to that of the Governor of the Province and we should strive to see that this is brought about. I am for reduction all-round as my country is unable to bear the heavy burden. But the proposals before us, as I learn, are made to express our censure at the conduct of the Hon'ble Ministers in not forcing the hands of Government and making it resile from its wicked policy. I agree with the gentlemen who hold that Government is altogether thoughtless, that instead of trying to remove the grievances, it tries to overawe the country by might. But as it was the duty of the Ministers to resign by way of protest, it was equally the duty of all of us who think in that strain, to follow the leanings of our mind. I heartily regret that I have personally failed to discharge that duty and so I have no business to cut their pay with a view to make them resign. I remember my colleague, Mr. H. S. Suhrawardy, once said that we are not here to win cheap popularity and I shall not attempt it. Let my friends ponder and take counsels with their conscience.

Babu NITYA DHON MUKHERJEE: I have been asked to speak at this late hour—life is very short—five minutes only: so I must hurry up.

There is a peculiarity in to-day's debate in that those who supported the reduction of Ministers' salaries on the last occasion are now opposing it, and those who opposed it then are supporting it now. I was one of those who favoured reduction, but I have now stood up to oppose it. My reason is this: that no sensible human being should expect any gentleman to work nine months on a certain rate of pay and the remaining three months on another rate. No one among the gentlemen who are now in favour of reduction has given any reason for his change of views except Babu Surendra Nath Mallik who has practically said that because Government have insulted our Ministers by not consulting them about the repressive policy we must therefore also insult them by reducing their pay. I do not think that it is a sound argument. The reduction has been demanded on the ground of economy as well as the repressive policy which has been introduced by Government with or without the knowledge and consent of our Ministers. As to economy, the same arguments have been employed as were put forward on the previous occasion when the question was discussed in this House and which fell on listless ears and the motion was vetoed by a large majority. One of my friends yesterday read a lecture on law, put forward the opinion of certain eminent persons, cited precedents from English law, as if he was lecturing like a law-lecturer to so many boys. Another gentleman said that we were sucking the life-blood of our constituents, therefore reduction is necessary and that we must begin by reducing the pay of our Ministers. But his constituents would be surprised to learn that this very gentleman supported the taxation proposals which were mere means for sucking the life-blood. Some of my friends on the other side said, in language which had very little dignity or self-respect in them, that they would reduce the pay of the Ministers as a vote of censure on them in order to place on record that the Ministers had lost their confidence. They said that the whole of Bengal wants reduction and they said that if people who have got eyes but will not see and who have got ears will not hear, they are not responsible for it. Have these gentlemen got a general power-of-attorney from the whole of Bengal? Certainly the whole of Bengal does not want it. Moreover, it was stated that one of the Ministers did not go to Chandpur and did not do what he should have done. But my friend who according to his own statement seems to have monopolised the power of understanding everything and also looking at things properly, forgets that it was not the Department of Ministers but that it was the Department of Sir Henry Wheeler who went there.

One of my friends said that if the Ministers were not consulted, they should resign. But may I know why my friends did not in a body resign as a protest against the repressive policy of Government, and I for myself would have been very glad to do so if they had resigned. But, no, they would not move an inch, they will say from their seat in this Council with a long tongue and in bombastic words that this should be done and

that should be done, and then some of the members think, that then Government or the Ministers are to carry them out. Duty is done, if they come with a written speech in the pocket, read it out in the Council and see that it is published in the newspapers.

There is another aspect which I must ask my friends to consider. Some of the members have said that they want reduction as a vote of censure on the Ministers and some want a reduction on economic grounds. I submit that there will not be separate voting—one for censure and the other for economy. But the members must know that a vote for reduction on either ground would mean a vote of censure as there will be no voting and there is no means to distinguish the one from the other. We must also consider whether the Ministers by their conduct or action have done anything up till now which will justify our passing a vote of censure on them.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): I desire to tell the Council at the outset that I do not propose to enter into the question of the amount of salary and my reasons are obvious. I trust that the Council will appreciate my reasons. I propose to confine myself mainly to certain challenges that have been thrown out and criticisms that have been levelled against me and my colleagues, and also to certain special points that some members have attempted to make against me. The first point about which all of us have been criticised is what has been described as the repressive policy of the Government. I will ask the Council to consider soberly and seriously as to whether the Ministers ought to be censured for what has been described as repressive policy. Various questions have been put to us calling upon us to disclose as to what part we took in the inauguration of this policy. We have been asked as to whether we were consulted and, if consulted, whether we supported the reserved side of the Government or opposed it. I am afraid I cannot satisfy the curiosity of my friends on this point. I should have thought that any one acquainted with the elementary ideas of Cabinet form of Government would not seriously put these questions. Whether we supported the action of the reserved side of the Government or opposed it are matters of Cabinet secret—which I cannot possibly disclose. I confess, I thought that members of this House who put these questions knew enough of the present constitution or the constitution of other countries where Cabinet form of Government obtains, that the Ministers cannot possibly satisfy this idle curiosity on the part of some of the Councillors. I say "idle curiosity" advisedly, because they ought to know that they cannot expect any disclosures on these points. But, Sir, I have a complaint —a serious complaint against the members of this Council; they have charged me with dereliction of duty; they have charged me with having failed to represent their views; I put it to my friends in this Council

whether since last year I have not been appealing to them and telling them, if they wanted to run this form of Government satisfactorily, they must have a Ministerial party which could give the Ministers an opportunity to know the opinion of the majority of the House. Well, our critics did not come forward and until recently the majority of the members did not come forward to help us with their views; our critics perhaps thought that if they identified themselves with the Ministers they would be identifying themselves with the Government and their popularity would be at stake. One member has urged that he pleaded guilty to the charge of valuing popularity—may I say, in passing, that I value popularity quite as much as any member of this House, but I am free to confess that I do not set much value to the passing popularity of the hour. I do value that popularity which comes from the discharge of one's duty according to one's conscience and in the best interest of the country. I not only value but cherish and worship that popularity which lasts after the stress and strife of controversy is over—that popularity which perhaps a succeeding generation capable of taking a detached and dispassionate view of things can appreciate. Sir, the great Iswar Chandra Vidyasagar was perhaps the best persecuted man during the greater part of his life, but there are few to-day, in this country, who do not worship the great Vidyasagar for his great services to his country. I do not even for a moment think that I or even my venerable leader, Sir Surendra Nath Banerjea, can aspire to sit at the footstool of the great Vidyasagar, but lives of great men like Vidyasagar ought to serve as a beacon light to humble individuals like ourselves to remind us as to how we should do our duty to our motherland. Sir, speaking of popularity, may I also remind my friends in this Council of the well-known saying of a great statesman?—"You can fool all the people for part of the time, you can fool part of the people for all the time, but you cannot fool all the people for all the time." I hope my friends will ponder over this.

Sir, going back to the question of a Ministerial party, I say that if we had such a party, then I could have put to that party—"well, my friends, this is the situation, how do you like us to act," and I am sure I could have got advice which I could count as the advice of the majority; I have no doubt that the members of this Council as responsible persons were all in favour of law and order. About upholding of law and order, I have no complaint against any member of this House. When my esteemed friend, Sir Asutosh Chaudhuri, moved for an adjournment of the House, and all members of this House would remember that was done after the proclamation of the Criminal Law Amendment Act—the root cause of the so-called repressive action—and after His Excellency the Governor had declared from that Chair that the proclamation had been promulgated, every one of the members promised to support law and order and no one protested against the promulgation of the Criminal

Law Amendment Act. I do not think there is any difference of opinion between the Government collectively or me or my friend the Kumar or anybody else about the importance of maintaining law and order. That is why I say, I have no complaint against any member of this House about the maintenance of law and order. But it is about the application of the general principle—I admit—there may be difference: but my friends here did not give any opportunity to myself and to my colleagues to consult them as a body by forming a Ministerial party; and if, according to the judgment of the majority something has been done which should not have been done, the fault is theirs and not ours. I repeat again that I wish to stand always by law and order, whatever the views of others may be, but I have every confidence that the majority of my colleagues in this House will always support law and order, although we may have our differences as to the methods adopted in its application.

There is another important point upon which a vote of censure has been urged upon us. Rai Harendranath Chaudhuri reading out from a long written speech somewhat charged me that in my speeches on certain occasions, I asserted that Bengal ought not to be taxed for her ordinary administrative expenses. Babu Indu Bhushan Dutta also repeated that argument and said further that this point was pressed upon me more than once, but he had had no reply from me. I am sorry to note that Babu Indu Bhushan Dutta would persist in saying that he had no reply from me. The Council will remember that I did reply to the charge of Babu Indu Bhushan Dutta, and I said when discussing one of these Bills that I still maintained that it was unjust that Bengal should be taxed to carry on her ordinary expenditure. I said, not only I but every member of the Government agreed with me in that view, and I added that His Excellency the Governor from the Chair now occupied by the Deputy-President agreed with that proposition. I also said, supposing that an injustice was done by somebody else over whom we had no control I put it to the Council, "was it right that we should commit something like suicide because somebody else had acted unjustly?" That was the position which I and the Government have taken all along and that is the position I still maintain; and may I again repeat that we have no control over that body and that Government did its level best to get this injustice remedied, but those who are loudest in criticising me during these taxation proposals did not do anything in this matter. Rai Harendranath Chaudhuri quoted from my speech in which I appealed that the members of this House should get up a movement—not a destructive movement but a constructive one—and in that movement they should try their best and go forth from village to village, and town to town, so long as Bengal's injustice was not remedied and I also suggested that, if necessary, we should send a deputation to England for the purpose. Pray, may I ask my friend Rai Harendranath Chaudhuri whether he did address his constituency about this matter, and if he found difficulty in doing so, did he exercise his great influence

as a big zamindar to get up any memorial protesting against this injustice? Because of my zeal in this matter I was charged by another responsible member of this Council that I called my opponents "shameless betrayers of the country." The Council knows that I never said that, but I again repeat my charge that some of my critics are guilty of shameful neglect of duty in not having done anything in getting the Meston award set aside. I have further been charged with dereliction of duty to my country. This is a general charge. I most emphatically deny the charge. I assert that I have always tried to do my duty to my country, and I may assure the Council that in this matter, I did my duty to my motherland according to the light that is in me. There is another point which I should mention in passing. More than one speaker referred to my quotation from Dr. Murray's book on Japan regarding taxation in that country. When I quoted from Dr. Murray's book, I knew that reference to the salary of the Japanese Minister was sure to come from my critics. Indeed I told my Hon'ble friend, the Finance Member before I quoted this chapter of Japan's history that the inevitable result of my quotation would be that I would be referred to the salary of the Japanese Minister. But that did not deter me. Do these gentlemen who put forward analogies from other countries know the conditions of life and the standard of living obtaining in those countries? Do they know that even in Japan the Prime Minister gets a higher salary than other high officials. Have they compared the cost of living in Japan and in India? I have yet another answer. Japan raised her taxes by about 8 times. When my friends raise our taxes by 8 times (not for the reserved departments) but for the transferred departments, then I shall gladly forego my present salary and take the salary which Japan Ministers take.

Another charge which has been brought against me and my colleagues is that when the debate for the adjournment of the House took place on the motion of Mr. Mallik, we did not speak and it was also stated by one speaker that my colleague, the Hon'ble the Maharajadhiraja Bahadur of Burdwan, said something which clearly indicated something against the Ministers—what that something was I am not very clear.

I should like to remind the House about one matter in this connection. The complaint was made that as many as three official speakers spoke and many non-officials could not get any opportunity to speak as the time-limit was two hours. This complaint was repeated in the newspapers too. I may, however, proceed and tell the Council that as a matter of fact when the Hon'ble the Maharajadhiraja Bahadur had finished speaking there were only four minutes left. I intended to speak, but as the Council will remember Rai Jogendra Chunder Ghose Bahadur was called upon to speak and that even he could not finish his speech.

About the constitutional position I do not want to say anything more. I would, however, appeal to the House to remember the constitutional position. Whether you like this constitution or not, it is the constitution under which we have to work and we have to accept it for good or for evil so long as it lasts. I do not think I need take up the time of the Council any longer and I leave the matter to the House with confidence that they will deal with it fairly and justly.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): I intend to confine my remarks on these motions to one matter only. Whether it is true economy to reduce the salaries of Ministers is a question which I leave to the Legislative Council. But it has been suggested that the salaries of Ministers should be reduced not merely for the sake of effecting economy but also as a vote of censure, because some of the speakers seek to attach responsibility to the Ministers for the measures which Government have taken in the past two months to deal with the political situation in Bengal, and because the Ministers have supported the taxation Bills which Government have introduced in this Council. First, Sir, I shall deal with the question of the policy which Government have adopted to deal with the non-co-operation movement. I wish, Sir, to make it clear that it is unconstitutional to attach any responsibility to Ministers for these measures. In the first place the Government of India Act expressly limits the authority of Ministers to the transferred subjects. Section 52 (3) of the Act runs as follows:—

> In relation to transferred subjects, the Governor shall be guided by the advice of his Ministers, unless he sees sufficient cause to dissent from their opinion, in which case he may require action to be taken otherwise than in accordance with that advice.

That, Sir, describes the statutory power of the Ministers.

The object of the policy, which the Government of Bengal inaugurated after the 17th of November last, was the maintenance of law and order in Bengal. I ask the Council to remember what happened on the 17th November. Large areas of the city were practically in the hands of the so-called volunteers who prevented peaceful citizens from pursuing their lawful avocations. The events of that day excited general indignation in the minds of the law-abiding section of the community, and that feeling of indignation was shared and expressed by this Council which urged the Government to do something to restore law and order. The measures which were taken by the Government were taken by the Governor in Council and as I have explained, the Ministers had neither power nor responsibility in the settlement of what measures should be adopted. In a subsequent meeting of this Council held on the 19th December last, certain speakers challenged the necessity and the propriety of the measures adopted by Government and called upon the Members of the Government to explain why a policy of repression

had been inaugurated. Speakers in the course of this debate reproached us because though some Members of the Executive Council spoke in defence of the policy which had been adopted, the Ministers were silent. The reasons for which the Ministers did not speak should be obvious to every member of this Council. It is well known that the proceedings of the meetings between the Governor and the Members of the Executive Council and the Ministers are confidential, and nothing connected with them may be divulged. In the meeting of the 19th December, we were asked to state whether we had been consulted or not. To do so would have been not merely improper but contrary to the oath of affirmation which we took on assuming office.

Let us assume for the sake of argument that the Ministers were not consulted. It has been suggested that in that case we should have resigned by way of protest. This, however, assumes that under the law, we have a legal right to be consulted in matters relating to reserved subjects, but this is not the case. The instructions to the Governor to which reference has been made may impose a duty on the Governor, but they do not confer a legal right on us. Under the statute we have no legal authority whatever in matters relating to the reserved subjects, as I have already explained. The Governor in Council is responsible to Parliament for the maintenance of law and order. I am here to administer certain transferred departments and for my administration of these departments, I am responsible to this Council. If the Government decide to adopt a policy contrary to my views in any transferred subjects which are under my control, it would be my duty to resign by way of protest, but I consider that I should be failing in my duty to the Council, if I refused to carry on the administration of these departments and resigned my office on account of the policy which Government may adopt in connection with reserved subjects for which I have no responsibility. Again, for the sake of argument, we may assume that the Ministers were consulted on the policy to be adopted. In that case their opinion would have been either for or against the policy of repression. Assuming that we opposed the adoption of that policy and that our opinion was not accepted by the Governor in Council, in that case what should we have done? It is suggested that we should have resigned, but I ask the members of the Council whether it could be said at that time when the policy was decided upon, that the majority of the members of the House were opposed to such a policy. Looking at the various speeches delivered in this Council after His Excellency addressed the House on 21st November last, it will be found that almost all the members who spoke admitted that Government must take action to maintain their authority and to protect the law-abiding citizens. Certain speakers indeed pointed out the necessity of taking steps to avoid excesses by the police, but the general feeling was that something must be done. It cannot be honestly contended that after His Excellency's speech, the majority of the members were opposed to the adoption of a policy of repression against the non-co-operators. If that was the

position on that day, how could the Ministers who represent the elected members of the Council, honestly tell the other side of the Government that they were acting wrongly in inaugurating a repressive policy, even on the assumption that our own views were opposed to that policy? Again, it may be said that after the policy was inaugurated and repressive measures had been adopted, when some of the members of the Council protested against these measures, the Ministers should have resigned. We must be guided by the opinion of the majority of the Council, but so far, there has been no division to show that the action of Government is disapproved by a majority of the Council. On the contrary, the few members who opposed the taxation Bills as a protest against the adoption of a repressive policy by Government proved to be a very small minority. Then again, those who protest against the present policy and urge that we should resign, in consequence of its adoption have not set an example. We are responsible to the House and the members of the Council are responsible to their constituencies. It is as logical to suggest that the members who protest should resign their seats by way of showing their responsibility to their constituencies as that the Ministers should resign office by way of showing their responsibility to the Council. Assume again that we supported the Governor in Council in adopting the measures of repression. The policy is not simply a provincial one, limited to Bengal. It has been adopted by almost all provincial Governments and has been supported by the Imperial Government. The Legislative Assembly have decided that Government acted rightly in adopting the policy of repression. The Legislative Council of the United Provinces have similarly supported their Government, and as I have said, this Council has refused to protest against the policy when certain members asked it to do so by rejecting the taxation Bills. It is unnecessary for me to review the situation of the province before the policy was inaugurated. His Excellency did so at length in his address on the 21st November, 1921, and the description of the situation which he then gave has not been challenged, nor has any member suggested how the situation as depicted by him could be dealt with effectively in any way other than that which has been adopted.

As regards our responsibility in relation to the taxation Bills, I may point out that our attitude has been amply justified by the votes of the Council on the three Bills. It has shown by its vote that the principle of the Bills is accepted by an overwhelming majority, and they have been referred to select committees Can it then be said that by associating ourselves with these proposals for taxation, we were not voicing the opinion of this Council?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT(the Hon'ble Sir Surendra Nath Banerjea): It is with the utmost reluctance that I rise to speak on this occasion as the questions at issue have a personal aspect and I have never in the whole course of my public life been called upon to defend any personal measures with

which I have been connected. But grave charges have been brought against the Ministers. It has seriously been proposed by some members of this Council that a vote of censure should be passed on them, and that we should be condemned. Condemned for what? Condemned for the measures of the Executive Government in departments over which we have no control and for which under the constitution we are not responsible? Where there is power there is responsibility. Where we are merely in the position of advisers there is no responsibility except as advisers; and yet a great many members of this Council were so insensible to their sense of responsibility as to come forward with a serious proposition for condemning and passing a vote of censure upon their Ministers. Is this the way to show your trust in your Ministers, your representatives in the Government of the country? We want your support, we want your confidence, we want your aid, and yet there are members who would move a vote of censure upon us, solely upon surmises, upon misstatements and upon garbled extracts. If time permitted, I could prove to the hilt the falsity of every one of the statements which has been placed before the Council. I say the members who have moved a vote of censure have been guilty of misstatements, and of innuendoes and insinuations which would not bear scrutiny. One of them said that we had under the constitution a right to be consulted in matters affecting the reserved departments. The hon'ble member who urged this view with all the emphasis that he could command, with all the power of his stentorian voice—ought to have known that under the Reform Act we have not this constitutional right. It has been urged by a speaker that there was a moral responsibility on our part and that we did not discharge that responsibility. How does he know that we did not? I am not permitted to disclose Cabinet secrets, but, I think, it is positively wrong and unfair to make an assumption against the Ministers without adequate knowledge. Kumar Shashi Shekhareswar Ray —I beg his pardon—I took his venerable father's name for whom I have a great regard—I think it was Kumar Shib Shekhareswar Ray—who said that we advised Government to take the repressive measures. This is only trying, by an insidious process, to pry into the secrets of the Cabinet! He observed that we did not reflect the voice, the sense and the judgment of the country in the matter of the new policy. How does he know it? And yet he makes that assumption against us.

Then my friend Babu Indu Bhushan Dutta said that I failed in my duty with regard to the Chandpur affair. I challenge him to prove it I failed in my duty? Nobody has ever brought against me such an accusation.

Babu INDU BHUSHAN DUTTA: What I said, Sir, was this——

The DEPUTY-PRESIDENT: If you have anything to say by way of explanation you will have a chance after Sir Surendra Nath Banerjea has finished speaking.

The Hon'ble Sir SURENDRA NATH BANERJEA: I must have my say. I must not be interrupted.

Well, when this matter came up before me, and the moment I heard that there was a large number of coolies gathered together at Chandpur, I sent down Rs. 6,000 and a large number of medical men to look after them, doing everything in my power to help them. But who is it that raised all sorts of difficulties and obstacles in their way? It is the non-co-operators, and many coolies died in consequence of the activities of the non-co-operators, and the blood of the coolies rests on the heads of the non-co-operators who interfered. I am prepared to face any charge, any indictment which Babu Indu Bhusan Dutta or Kumar Shib Shekhareswar Ray may bring against me. I want a specific statement, definite allegations. The veriest murderer with his hands reeking in the blood of his innocent victim has the right to have definite allegations made against him; and we are to be condemned, because we are Ministers of the Crown, representatives of the Council on the Government; we are to be condemned upon surmises, misstatements and suppression of the truth. Such a display of patriotism and of fairness has never been witnessed in any Legislative Assembly, in any civilised country with which I am acquainted. I am quite prepared to prove that we have done nothing in regard to our departments which calls for scrutiny or which demands condemnation. I am prepared to meet that. I venture to say that if the records of Ministers are examined and scrutinised, it would be found that we have not been wanting in our duty to the motherland which we love so well. An attempt has been made to separate the vote of censure from the vote of reduction. The feat is impossible, you cannot do so They are mixed up together. Nor should the fact be forgotten that a vote of reduction of salary is in itself a vote of censure, and are you going to record a vote of censure upon the Ministers upon surmises, misstatements and misrepresentations? I hope and trust that this Council, if not by an unanimous vote, at any rate, by a vote carried by a large majority, will signify its disapproval of the tactics which have been employed, and pass a vote which will hearten and encourage us, in the patriotic work we have undertaken, and which we hope to perform under the blessing of Providence and with the full approbation of the country.

Babu INDU BHUSHAN DUTTA: I rise to make a personal explanation. If the Hon'ble Minister will kindly look to the proceedings of the Council regarding the Chandpur debate he will see that I made a distinct charge, that by not going to Chandpur when the people were crying for help he had failed in his duty.

The Hon'ble Sir SURENDRA NATH BANERJEA: I protest against his making a speech. He can only rise to make a personal

explanation. If he is allowed to bring a charge against me, I must have the right of reply.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir HENRY WHEELER: At this hour of night I do not propose to keep the Council long, neither is it necessary that I should. Whatever posterity may say as to the wisdom or otherwise of the decision that may be come to in respect of the pay of the Ministers in Bengal, posterity will not be able to say that it was not arrived at after lengthy and prolonged discussion, and when I think there may be a repetition in a month's time of this two days' debate, I confess my heart somewhat quails.

The debate has followed the lines which I surmised in my opening remarks, and we have had the economy argument and the vote of censure argument. To the former prominence has, naturally, been given by the taxation discussion of recent date, and it is naturally one which appeals to all, as neither to Government nor to any member of this House does it give any pleasure wantonly to squander the revenues of the province. But I put it to the Council that it is possible to expect too much in the way of economy by cutting down the pay of your servants. After all, Government or the State is merely an employer like other employers, and like other employers, if it wants to get its work done by a suitable agency, it has got to pay the market rate for it. Even though it may be that in the case of Government work motives of patriotism and the like may influence the rate which labour is willing to take, yet there is an irreducible minimum below which the requisite agency will not be secured. May I take a humble analogy. Many members of this Council own motor cars, and many of us are doubtless somewhat perturbed by the high rates of pay which competent drivers now command. If members of this Council conduct their private affairs on the lines of their public arguments I can see some of them, imbued with a spirit of retrenchment, returning to their families and personally relating the saving they have made by getting rid of an extravagant chauffeur on Rs. 75 and putting in a syce on Rs. 12. If they command in their families the respect which is doubtless their due, their statement may be received with applause, but there is reason to fear that if on the next day they have to tell the survivors of the family that some of their brothers and sisters have unfortunately passed to another world through a regrettable collision between the car and a passing tram, then I imagine their family will greet them with contumely and recrimination. The same analogy holds good in provincial affairs, and I maintain that looking to the agency that we want, the present rate of pay given to Ministers is not excessive.

As regards the vote of censure argument I can only repeat what I have said already. Although certain aspects of the constitution may not commend themselves to certain members of the Council, yet the

fact remains that they are embodied in the constitution as we have to work it. It is part of the misfortunes under which the system of dyarchy suffers that many of its so-called supporters wish to discriminate between different parts of the constitution. They agree to accept the part they like, but they want to ignore and go against what they do not like. But the constitution must be taken as a whole. The fact remains that Ministers are not responsible for the action of the Government on the reserved side, just as I am not responsible for the action of Government on the transferred side. It so happened within the last two days that action was taken in a transferred department with which I, personally, did not agree. I should greatly resent, if in future, I am to be liable to a vote of censure because I was not able to intervene in a matter for which the responsibility did not rest with me. The position is exactly the same as regards the action of Government on the reserved side. In the course of the next few days it will be my misfortune to explain and justify certain actions of Government on that side, and to the best of my ability, I shall be prepared to do, but it is not in accord with the constitution to seek to impose upon the Ministers a responsibility which does not lie upon them.

For these reasons, holding that these two main lines of argument fail, I ask the House with confidence to vote the grant which I had the honour to move.

The following amendments were then put and lost:—

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be refused."

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced to Rs. 72,000."

The DEPUTY-PRESIDENT: The following amendment of Maulvi Muhammad Abdul Jubbar Pahlowan, *viz.*, "That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 1,20,000" has already been withdrawn.

The following amendments were then put and lost:—

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced to Rs. 90,000."

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 96,000."

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 84,000."

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced to Rs. 1,08,000."

The following amendment was then put:—

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 48,000."

The motion being put, a division was taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Indu Bhushan.
Karim, Maulvi Fazlul.
Khan, Babu Devendra Lal.
Khan, Maulvi Hamid-ud-din.
Mallik, Babu Surendra Nath.
Moitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukharji, Professor S. C.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Pal, Rai Bahadur Radha Charan.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Krishna.
Roy, Babu Jogendra Nath.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Rishindra Nath.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Azaharuddin.
Aley, Mr. S. Mahboob.
Ali, Maulvi R. J. S. M. Hossain.
Ali, Maulvi Syed Muksood.
Ali, Mr. Syed Erfan.
Ali, Mr. Syed Nasim.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinas Chandra.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Currie, Mr. W. C.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Doss, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajoy Chunder.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Chose, Mr. D. C.
Goode, Mr. S. W.
Gorden, Mr. A. D.
Gupta, Mr. J. N.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Huq, Maulvi Ekramul.
James, Mr. R. H. L. Langford.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prosad.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Larmour, Mr. F. A.
Maharajadhiraja Bahadur of Burdwan.
the Hon'ble
McKenzie, Mr. D. P.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. C.
Mukharjee, Babu Nitya Dhon.
Nakey, Mirza Muhammad Ali.
Poddar, Babu Keshoram.
Pugh, Colonel A. J.
Rae, Mr. W. R.
Rahim, the Hon'ble Sir Abd-ur-.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Chaudhury, Raja Manmatha Nath.
Robinson, Major-General W. H. B.
Roy, Babu Nalini Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Mr. J. E.
Roy Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Salam, Khan Bahadur Abdus.
Skinner, Mr. H. E.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Watson-Smyth, Sir R. M.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 27 and the Noes 78, the motion was lost.

The following amendment was then put and lost:—

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 47,999."

The following amendment was then put :—

"That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year be reduced to Rs. 1,57,000."

The motion being put, a division was taken with the following result :—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Karim, Maulvi Abdul.
Karim, Maulvi Faziul.
Khan, Babu Devendra Lal.
Mallik, Babu Surendra Nath.
Moitra, Dr. Jatindra Nath.
Mukharji, Professor S. C.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Krishna.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Sailaja Nath.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Azaharuddin.
Aley, Mr. S. Mahboob.
Ali, Maulvi R. J. S. M. Hossain.
Ali, Maulvi Syed Muksood.
Ali, Mr. Syed Nasim.
Arhamuddin, Maulvi Khandakar.
Azam, Khan Bahadur Khwaja Mohammed.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinas Chandra.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Currie, Mr. W. C.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Doss, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajoy Chunder.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Gordon, Mr. A. D.
Gupta, Mr. J. N.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Huq, Maulvi Ekramul.
James, Mr. R. H. L. Langford.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prosad.
Khan, Maulvi Md. Rafique Uddin.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Larmour, Mr. F. A.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
McKenzie, Mr. D. P.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. G.
Mukharjee, Babu Nitya Dhon.
Nakey, Mirza Muhammad Ali.
Poddar, Babu Keshoram.
Pugh, Colonel A. J.
Rae, Mr. W. R.
Rahim, the Hon'ble Sir Abd-ur-.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Chaudhury, Raja Manmatha Nath.
Robinson, Major-General W. H. B.
Roy, Babu Nalini Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Mr. J. E.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Salam, Khan Bahadur Abdus.
Skinner, Mr. H. E.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Suhrawardy, Dr. A.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Watson-Smyth, Sir R. M.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 22 and the Noes 77, the motion was lost.

The DEPUTY-PRESIDENT: As regards the next amendment standing in the name of Rai Dr. Haridhan Dutt Bahadur, I shall put it in two parts :—

The first part is "That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by Rs. 21,000."

The motion was then put and lost.

The DEPUTY-PRESIDENT: The second part is "That the demand for the grant of Rs. 1,92,000 for the salaries of Ministers for the current year, be reduced by fixing the salary of a Minister at Rs. 3,000 a month for the period for which the Ministers have not as yet drawn their salaries."

Rai Dr. HARIDHAN DUTT Bahadur: This motion is not by way of censure.

The motion being put, a division was taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Indu Bhushan.
Ghose, Rai Bahadur Jogendra Chunder.
Janah, Babu Sarat Chandra.
Mallik, Babu Surendra Nath.
Moitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukharji, Professor S. C.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Krishna.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Sailaja Nath.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Addy, Babu Amulya Dhone.
Afzal, Nawabzada K. M., Khan Bahadur.
Ahmed, Maulvi Azaharuddin.
Aley, Mr. S. Mahboob.
Ali, Maulvi R. J. S. M. Hossain.
Ali, Maulvi Syed Muksood.
Ali, Mr. Syed Nasim.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Banerjee, Rai Bahadur Abinas Chandra.
Barton, Mr. H.
Basu, Babu Jatindra Nath.
Bhattacharji, Babu Hem Chandra.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Bose, Mr. S. M.
Chaudhuri, Babu Tankanath.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Currie, Mr. W. C.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Doss, Rai Bahadur Pyari Lal.
Dutt, Mr. Ajoy Chunder.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Goode, Mr. S. W.
Gordon, Mr. A. D.
Gupta, Mr. J. N.
Hindley, Lt.-Col. C. D. M.
Hopkyns, Mr. W. S.
Huntingford, Mr. C. T.
Huq, Maulvi Ekramul.
James, Mr. R. H. L. Langford.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prosad.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Larmour, Mr. F. A.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
McKenzie, Mr. D. P.
Mitra, Rai Bahadur Mahendra Chandra.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. C.
Mukharjee, Babu Nitya Dhon.
Nakey, Mirza Muhammad Ali.
Poddar, Babu Keshoram.
Pugh, Colonel A. J.
Rae, Mr. W. R.
Rahim, the Hon'ble Sir Abd-ur-.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Chaudhury, Raja Manmatha Nath.
Robinson, Major-General W. H. B.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.

Roy, Mr. J. E.	Suhrawardy, Dr. A.
Roy, Rai Bahadur Lalit Mohan Singh.	Suhrawardy, Dr. Hassan.
Roy, Raja Manilall Singh.	Swan, Mr. J. A. L.
Salam, Khan Bahadur Abdus.	Walsh, Mr. C. P.
Skinner, Mr. H. E.	Watson-Smyth, Sir R. M.
Spry, Mr. H. E.	Wheeler, the Hon'ble Sir Henry.
Stark, Mr. H. A.	Wordsworth, Mr. W. C.
Stephenson, Mr. H. L.	

The Ayes being 21 and the Noes 74, the motion was lost.

The DEPUTY-PRESIDENT: Now I may tell the hon'ble members that all the amendments are over. I shall put the substantive motion of the Hon'ble Sir Henry Wheeler, namely, " that a sum of Rs. 1,92,000 be granted for the salaries of Ministers for the current year," to vote.

The motion was then put and agreed to.

Adjournment.

The Council was then adjourned to Monday, the 30th January, 1922, at 3 P.M., at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 30th January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers, and 97 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

Alleged Gurkha assaults at Nilphamari.

104. Mr. AJOY CHUNDER DUTT: Will the Hon'ble the Member in charge of the Political Department be pleased to state the facts in connection with the alleged assaults by Gurkhas at Nilphamari?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): The member is referred to the *communiqué* on the subject published on the 5th January, 1922.

Civil Guard in Calcutta and Howrah.

105. Babu INDU BHUSHAN DUTTA: (*a*) Will the Hon'ble the Member in charge of the Police Department be pleased to state what Government funds, if any, have been spent, or what Government funds it is proposed to spend on the Civil Guards, on account of their brassards, batons or for any other purpose?

(*b*) If any money has been spent or if it is proposed to spend any, will the Hon'ble the Member be pleased to show the same item by item?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) and (*b*) The expenditure incurred by Government on account of the Civil Guard in Calcutta and Howrah amounts to Rs. 29,085-11-0. The items making up this amount are as follows:—

	Rs. A. P.
Badges and armlets ...	19,510-0-0
Batons ...	8,500-0-0
Miscellaneous, including advertisements, printing, etc. ...	1,075-11-0

In Calcutta, 4,411 members were enrolled and 687 in Howrah.

Uniforms to chaukidars and dafadars of Singur thana.

106. Babu SURENDRA NATH MALLIK: (*a*) Is the Hon'ble the Member in charge of the Police Department aware that though the six union boards within the Singur thana (district Hooghly) have been regularly contributing towards the cost of the uniforms of the chaukidars and dafadars for the last three years, yet no uniforms have been supplied to them by Government?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble the Member be pleased to state the reasons for not supplying the uniforms?

(*c*) Are the Government considering the desirability of supplying the uniforms at an early date?

(*d*) What is the total amount received by the Government from the said six union boards during the last three years and what will be the cost of supplying the necessary number of uniforms to the chaukidars and dafadars of the said unions?

(*e*) What do the Government propose to do with the balance of the money entrusted to them after meeting the cost of the uniforms?

The Hon'ble Sir HENRY WHEELER: (*a*), (*b*), (*c*) Uniforms were supplied to the dafadars and chaukidars of the six unions in October, 1919. The next supply was due in October, 1921. New uniforms have been ordered but have not yet been received. Inquiry is being made regarding the delay.

(*d*) The total amount deposited by the union boards is Rs. 1,504-0-6. The estimated cost of the uniforms ordered is Rs 1,129-13-0.

(*e*) The balance remains in the uniform fund to the credit of the union boards and is available for future payments.

Calcutta Civil Guard.

107. Kumar SHIB SHEKHARESWAR RAY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) whether the Calcutta Civil Guard form a part of the constitution of the Calcutta Police Force; and

(*ii*) what is the constitution of the Calcutta Civil Guard?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement of the strength and disposition of the Calcutta Civil Guard showing the boundaries of the jurisdiction of the several units and the number of European, Anglo-Indian and Indian members forming each unit?

The Hon'ble Sir HENRY WHEELER: (*a*) (*i*) The Calcutta Civil Guard is a part of the Calcutta Police Force in so far as the members of it were sworn in under section 13 of the Calcutta Police Act.

(*ii*) The Calcutta Civil Guard consists of a commandant, area commandants, patrol leaders and members.

(*b*) The strength of the Calcutta Civil Guard is 4,411, of whom approximately 1,000 are Indians. A statement giving the boundaries of the areas placed under area commandants is laid on the table. Inquiries are being made as to the number of members in each area.

Statement referred to in unstarred question No. 107 (b), showing boundaries of areas placed under area commandants.

AREA.

1. Clive Street (South of Clive Row); Royal Exchange Place; Lyons Range; Dalhousie Square.
2. Mangoe Lane; Bentinck Street; Esplanade East; Old Court House Street; Hastings.
3. Dhurrumtola Street; Circular Road; Corporation Street; Free School Street.
4. Chowringhee Road; Humayun Place; Free School Street; Dhurrumtola Street
5. Corporation Street, Wellesley Street; Marquis Street, Free School Street, Lindsay Street.
6. Lindsay Street; Free School Street; Kyd Street; Chowringhee Road.
7. Corporation Street; Circular Road; Ripon Street, Free School Street.
8. Ripon Street; Circular Road; Park Street; Wellesley Street, Royd Street, Free School Street
9. Kyd Street, Free School Street; Wellesley Street, Park Street; Circular Road; Theatre Road, Chowringhee Road.
10. Theatre Road; Circular Road, Chowringhee Road.
11. Circular Road, Lansdowne Road; Elgin Road, Chowringhee Road
12. Circular Road; Lansdowne Road; Mullen Street, Ballygunge Circular Road.
13. Store Road; Ballygunge Park, Old Ballygunge Lane, Ballygunge Circular Road.

Clearly defined areas have not been established in the north town and suburbs.

Calcutta Civil Guard.

108. Kumar SHIB SHEKHARESWAR RAY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state—

(*i*) what discretions, if any, were used by the authorities in admitting members to the Calcutta Civil Guard;

(*ii*) whether it is a fact that it was originally intended to enrol only those who were members of the Auxiliary Forces;

(*iii*) whether it is a fact that originally only patrol leaders who could bring in a patrol of five or more were enrolled and that their nominees were enrolled after the eligibility of each of them had been considered by the committee of the Calcutta Civil Guard;

(*iv*) who constituted the committee;

(*v*) what were the conditions of eligibility of the members of the Calcutta Civil Guard;

(*vi*) how many of the European, Anglo-Indian and Indian members of the Calcutta Civil Guard belong to the Auxiliary Forces;

(*vii*) how many members were enrolled as patrol leaders, and

(*viii*) how many were enrolled as being their nominees and how many independently?

(*b*) Will the Hon'ble the Member be pleased to state whether, before recruitment, any inquiry was made into the antecedents of each of the Members of the Calcutta Civil Guard?

(*c*) With reference to the statement made by His Excellency the Governor that "it is not altogether surprising if, in the rush of recruits to join, some few unsuitable persons were enrolled," will the Hon'ble the Member be pleased to state what steps, if any, were taken to eliminate "unsuitable persons" from the Calcutta Civil Guard and as a result how many Europeans, Anglo-Indians and Indians were actually discharged?

The Hon'ble Sir HENRY WHEELER: (*a*) (*i*) The recruiting authorities exercised their discretion in rejecting a certain number of applicants.

(*ii*) Yes, so far as Europeans and Anglo-Indians were concerned.

(*iii*) It is a fact that to start with patrol leaders who could produce a patrol of five or more members were enrolled; it is not a fact that the eligibility of each member was considered by the committee; such a process would have involved several weeks' delay.

(*iv*) A committee of the following gentlemen representing the members of the various communities interested in the movement was constituted at a meeting held by these representatives:—

N. N. Sircar, Esq.
Ashruff O. Jamall, Esq.
H. E. Stark, Esq, M.L.C.
Sailendra Nath Basu, Esq.
C. F. Beadel, Esq., M.L.C.
G. L. Colvin, Esq.
A. M. Ballingall, Esq.
Sir Frank Carter, C.I.E., C.B.E., M.L.A.
Sir Alfred Pickford, KT.

(*v*) The membership was declared to be open to gentlemen of every sect and nationality without exception; no other conditions were laid down.

(*vi*) Information is not available.

(*vii*) About 400.

(*viii*) About 2,000 persons were enrolled independently and afterwards allotted to patrols.

(*b*) The member is referred to the answers given to question (*a*) (*i*) and (*iii*).

(*c*) About 50 persons have been discharged as unsuitable, and the scrutiny is continuing.

Calcutta Civil Guard.

109. Kumar SHIB SHEKHARESWAR RAY: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to lay on the table a copy of the instructions issued from time to time to the Calcutta Civil Guard?

(*b*) Will the Hon'ble the Member be pleased to state whether the members of the Calcutta Civil Guard have been authorised to carry fire-arms in the streets of Calcutta?

(*c*) Will the Hon'ble the Member be pleased to state in what manner effect was given to the following statement of His Excellency the Governor:—"Independent action of the individual members (of the Calcutta Civil Guard) is not wanted?"

(*d*) Will the Hon'ble the Member be pleased to state whether any arrests were made independently by individual members of the Civil Guard?

(*e*) Will the Hon'ble the Member be pleased to state the number of arrests effected by the Calcutta Civil Guard within the jurisdiction of each area commandant?

(*f*) Will the Hon'ble the Member be pleased to state whether there has been any case of complaint against the members of the Calcutta Civil Guard?

(*g*) If so, in how many cases were the complaints inquired into and with what result?

The Hon'ble Sir HENRY WHEELER: (*a*) A copy of the written instructions issued by the commandant is laid on the table. Verbal instructions were given from time to time by the commandant to area commanders and patrol leaders.

(*b*) Those members of the Civil Guard who are, as private individuals, in possession of licenses to carry fire-arms are entitled by virtue of their license to carry them for self-defence in their private capacity. Patrol leaders were authorised to permit such members to carry these arms while on duty, but were instructed to give such permission only for good and sufficient reason to men of known reliability.

(*c*) The commandant issued instructions to area commanders that their patrols were not to exercise police powers unless called on by him by general or special order to do so.

(*d*) Yes.

(*e*) In all, over a period of one month, 216 arrests were made by the Civil Guard; the information as to the area jurisdiction within which each arrest was made is not available.

(*f*) Eight authenticated complaints were made to the authorities but only 2 of these referred to members of the Civil Guard purporting to be acting as such; the remainder were against members acting in their private capacity.

(*g*) Inquiries were held in all these cases and the members of the Civil Guard whose conduct was held to be improper were deprived of their authority.

Copy of the instructions refered to in the reply to unstarred question No. 109 (a).

CALCUTTA CIVIL GUARD.

The General conditions and principles under which the Guard will be enrolled are set out below —

(1) The Calcutta Civil Guard will be purely a voluntary and non-official body.

(2) The sole object which its promoters have in view is the maintenance of law and order within the city and suburbs of Calcutta and the preservation of the right of every private individual to act according to his own desires

(3) Membership is open to gentlemen of every sect and nationality without exception

(4) Each member will be sworn in under the Calcutta Police and given a certificate to this effect in order that he may possess the powers and privileges of a police officer.

(5) The organization will, however, be entirely voluntary and non-official and it must be clearly understood that no member will be required to act under the orders of any police officer, nor will he be liable to the penalties or discipline that are imposed upon police officers

(6) The Civil Guard will have its own offices and officers and a number of these have already been selected.

(7) Ordinarily members will work together in patrols of six and in no case will they be required to undertake any duty outside their own local area.

(8) A special Calcutta Civil Guard badge will be issued to each member.

Arrest of Mrs. C. R. Das and some other ladies.

110. Rai HARENDRANATH CHAUDHURI: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state for what offence Mrs. C. R. Das and some other ladies were arrested on the 7th of December last?

(*b*) If for obstructing public road or traffic, then what was the nature of such obstruction?

(*c*) If for making a row, then what was the nature of the row?

The Hon'ble Sir HENRY WHEELER: (*a*) (*b*) and (*c*) Mrs. C. R. Das and certain other ladies were arrested on the 7th December, 1921, for—

(*i*) assisting in the operations of an association declared unlawful by Government under section 16 of Act XIV of 1908 (Indian Criminal Law Amendment Act, 1908);

(*ii*) disobeying the orders of the Commissioner of Police, Calcutta, prohibiting any procession or public assembly under section 62 A (*4*) of the Calcutta Police Act, 1866 (Ben. Act IV of 1866); and

(*iii*) obstructing the foot-path on Harrison Road with a procession consisting of "volunteers" and others and thereby hindering traffic [section 283 of the Indian Penal Code (Act XLV of 1860)].

Irrigation Department.

111. SHAH SYED EMDADUL HAQ: (*a*) Will the Hon'ble the Member in charge of the Department of Irrigation be pleased to lay on the table a statement showing—

(*1*) total number of the—

(*i*) Superintending;

(*ii*) Executive;

(*iii*) Assistant Executive;

(*iv*) Assistant Engineer;

(*v*) Upper Subordinates; and

(*vi*) Lower Subordinates employed on Irrigation work of the Presidency in 1905, 1912, 1919-20 and 1920-21?

(*2*) The cost incurred in (*i*) Salaries, (*ii*) travelling allowance, and (*iii*) overseas allowance, respectively, for the classes of officers and costs incurred in actual works in the years mentioned in (*1*) above?

(*3*) The number of circles and divisions in which Irrigation work of the presidency were in those years?

(*4*) The total charge for the maintenance of the Irrigation Department in the presidency in those years?

(*5*) The works of special merit or distinction, if any, performed by any one of the above class of officers mentioned in (*1*) above, from 1905 to 1921, and the names of officers performing such works?

(*b*) Will the Hon'ble the Member be pleased to state what are the directions in which the Irrigation Department have improved since 1905 justifying the increased expenditure incurred at present?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) The preparation of the statements asked for will involve an amount of inquiry and

labour which appears to be incommensurate with the utility which may be expected of them. Much of the information is contained in lists of establishment and in Administration Reports published periodically during the periods referred to and by consulting these the member could himself obtain much of the information asked for. That which is not obtainable in this way will be collected and laid on the table in due course if, in view of the above facts and after further consideration, the member still considers it is to the public interest that it should be specially collected.

(*b*) The nature of the information required is not understood.

Charitable dispensary in Palerhat outpost in Khulna.

112. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of charitable dispensaries sanctioned by the Khulna district board during the present year and the number proposed to be sanctioned in the coming year?

(*b*) Is it a fact that the Khulna district board maintains no charitable dispensary in the area under Palerhat outpost?

(*c*) Is it a fact that the inhabitants of several villages, *e.g.*, Naihati, Devipur, Nehalpur, etc., sent a petition to the chairman, Khulna district board, as well as to the commissioner, Presidency division, praying for the sanction of a charitable dispensary in a central place under the Palerhat outpost?

(*d*) Is it a fact that they offered two *pucca* buildings, a large compound, as well as some monthly subscription for the purpose?

(*e*) Will the Hon'ble the Minister be pleased to state why the petition has not been granted?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) Two dispensaries have been sanctioned—one charitable dispensary at Garuikhali, and one charitable Ayurvedic dispensary at Ghatbhogue (Palerhat police-station). Besides, two subsidised doctors were appointed and posted to Iswaripur (Shyamnagar police-station) and Sarankhola police-station. One dispensary at Parkumira has been sanctioned for the next year.

(*b*) No, one charitable Ayurvedic dispensary has been opened at Ghatbhogue in Palerhat police-station.

(*c*) Yes, they wanted a dispensary at Naihati which is not, however, a central place in the area under the jurisdiction of the Palerhat police-station.

(*d*) Government are informed that they offered one old *pucca* building and one brick-built thatched house which are not suitable for the purpose of a dispensary.

(*e*) Government are informed that the villages of Naihati, Devipur, etc., being only four miles off from the headquarters of the district, the prayer for opening a dispensary at a place so near to the headquarters where there is a well-equipped dispensary, was not considered to be reasonable.

Declaring Chitpur Road a public thoroughfare.

113. Babu NALINI NATH ROY: (*a*) Will the Hon'ble the Minister in charge of the Department of Local-Self Government be pleased to state whether it is in contemplation to declare the Chitpur Road a public thoroughfare?

(*b*) If so, when?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) and (*b*) The answer is in the negative. The question was considered by the Corporation in 1920-21, but was dropped.

Sub-deputy collectors.

114. Mr. HUSEYN SHAHEED SUHRAWARDY: (*a*) In view of the fact that it is in the contemplation of Government to recruit for the Bengal Civil Service by open competitive examination, will the Hon'ble the Member in charge of the Appointment Department be pleased to state how Government propose to safeguard the interests of the sub-deputy collectors in the matter of promotion to the superior service?

(*b*) Is it not a fact that only 35 per cent. of the annual vacancies in the Bengal Civil Service are filled by promotion from the subordinate service?

(*c*) Is the Hon'ble the Member aware that this affords little chance of promotion owing to the increase of the cadre from 221 to 361, and eventually to 455?

(*d*) Is it in the contemplation of the Government to increase the percentage from 35 to 50, the maximum laid down by the Public Services Commission?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble the Member be pleased to state the reasons why?

(*f*) Is it in the contemplation of Government to readjust the cadre of the Bengal Civil Service (Executive Branch) as indicated in Government of Bengal letter No. 2198A (Appointment), dated the 9th March, 1920?

(*g*) Is it in the contemplation of the Government to promote selected members of this service to the Bengal Judicial or the Bengal Educational Service, or particularly to the proposed Income-tax Service, if they are otherwise qualified, in order to remove the congestion?

(*h*) Will the Hon'ble the Member be pleased to say how many sub-deputy collectors have been taken into other Provincial Services, such as, Excise, Police, Judicial, etc., within the last fifteen years, year by year?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) It is proposed to retain the system of filling by promotion 35 per cent. of the vacancies in the Bengal Civil Service.

(*b*) Yes.

(*c*) As the cadre of the subordinate service increases, the chance of promotion for any individual officer is necessarily less.

(*d*) No.

(*e*) The Public Services Commission did not suggest that the percentage of vacancies filled by promotion should be raised to 50 in provinces where it was already below this figure. The views of the Commission were in favour of direct recruitment and 50 per cent. was indicated as a proportion for promotion which should never be exceeded.

(*f*) The matter is under consideration.

(*g*) No; it is not understood what congestion is referred to.

(*h*) The information is not readily available and its collection is not considered necessary since the Subordinate Civil Service is not a normal recruiting ground for these provincial services.

Demands for grants.

The Hon'ble Sir HENRY WHEELER: I move "that—

(*i*) A sum of Rs. 34,000 be transferred from the head "47—Miscellaneous" to the head "26—Police," and

(*ii*) A sum of Rs. 2,08,462 be granted under head "26—Police," to meet charges in connection with the maintenance of law and order in Calcutta and Howrah."

The expenditure covered by this present grant is connected practically with the town of Calcutta (with one minor exception), and it is to the circumstances of Calcutta, therefore, that I propose to confine my remarks, as the introduction of outside issues would seem to be irrelevant to the subject under discussion.

Put briefly, this expenditure was considered by the Government to be necessary in order to strengthen the Calcutta police to meet the very dangerous situation which existed in this city particularly since the middle of November last, and which still exists. The risks that were being run were, it is true, emphasised by the fact that a Royal visit was approaching, upon the marring of the success of which the forces of disorder were concentrated. The tragic lesson of Bombay rendered it

obligatory upon us to examine our resources for defence and to strengthen them where they were weak, and the subsequent lesson of Madras has shown us what might have happened had we failed to do so. Moreover, there was also the general situation independent of the advent of the Prince, in which we have to counter the activities of a determined body of men proceeding with the avowed intention of bringing the established Government to a standstill. The facts are sufficiently near and recent to be within the recollection of all, and we have been at pains to explain and make them known to all. On two occasions, November 21st and December 19th, His Excellency has personally given a full exposition of the position, which was further elaborated in two long *communiqués* of November 19th and December 11th. There is little excuse, therefore, for ignorance, and I do not propose to enter upon another detailed recital, but I would urge the Council to bear in mind that the problem of the moment is how best to frustrate a movement which has already been productive of little but bloodshed and disorder, and which can produce no other results; a movement pursued by openly avowed tactics of deliberate challenge to constituted authority in every form and the deliberate courting of dramatic arrest, sensational trial and the well-advertised halo of supposed martyrdom, regardless of the excitement and unrest which are engendered in the process. In fact, the greater the excitement and the wider the unrest, the better are the promoters of the movement pleased. Following these tactics, since the last two months and more, we have had incessant and deliberate disturbances of the good government of the city. There have been lulls and set-backs—for instance during the Royal visit when it was seen that the initial attempt to interfere with it had utterly failed—and there have been pauses while fresh recruits are being beaten up and fresh developments planned. But continuously we have attempts to form unlawful and disorderly processions, to hold forbidden meetings and to revive the old methods of picketing and intimidation. First we had *goonda* "volunteers" sent out on the streets with sash and badges to seek arrest; that supply failing, we had the student community roused by the exhortations of Mr. C. R. Das to invite arrest in large numbers. That source dwindling, we had the mill hands paid and brought into the city to create disorder. When this waned, we had batches of labourers and the like sent down from mufassal districts with the same object, and at one time there were signs of mufassal students being introduced. Can anything show more clearly the mischievous organisation that is at work than this deliberate paying of men and students, unconnected with Calcutta, to come down from their native districts in the interior to Calcutta, with the express purpose of creating disorder? Latterly, we have seen the development which cannot, I feel, fail to meet with the severest condemnation from all, of knots of ladies going round to stir up excitement among emotional students and schoolboys, not unfortunately without success, and the bulk of those being arrested at the moment are of the student class.

Needless to say we have had many reports of detailed incidents and many of them contain much of interest. I have here a typical specimen which I had intended to read, but time is short, and it is perhaps sufficiently within the recollection of the members of this Council, who have been in the town of Calcutta for the last 2 or 3 weeks, how day after day we have had these disorderly attempts, one day picketing, another day processions, another day unlawful meetings, all designed to bring about a continuous state of unrest within this city, which has already caused disorder and, if we are not favoured with extraordinary good fortune, will lead to greater disorder still. The point to which I invite the attention of this Council is that no string is being left unpulled to bring about a disturbance, and that disturbance is the object in view there is no concealment. In a recent speech to the Bengal delegates at Ahmedabad, Mr. Gandhi referred to the necessity "of goading Government to take action against us," but this does not deter him later, with one of his customary somersaults, from representing Government as "wanting to goad us (the non-co-operators) into violence or abject surrender." On that theory he advises—and I invite particular attention to his advice—"we must retort by such civil disobedience as will compel shooting." Can any exposition of tactics be more crude?

Naturally, the coping with this situation has thrown a grievous burden of work and responsibility upon the police and to them we owe a debt of gratitude. Some of our critics write and speak as if all would at once be well if we withdrew the police. May I read an extract from a report from the Commissioner showing what *did* actually happen on one day when he *did* withdraw the police. The report of Mr. Clarke is dated the 20th December—

> At the request of Mr. S. N. Bose the police were withdrawn from a portion of the Harrison Road area on the afternoon of the 16th instant as Bengali Civil Guard pickets and patrols desired to show what they could do by peaceful persuasion. The result was that the Calcutta hooligans at once came out, the Civil Guard was mobbed, that portion of the Harrison Road area was out of control, and the Civil Guard had to withdraw. Very soon after the usual police pickets and patrols were put on again, the situation was again in hand. Although the experiment was as had been anticipated, unsuccessful, it was instructive and demonstrated the fact that if disorder was to be checked a determined front was necessary.

The moral is obvious; but I would ask the Council to try and realise what the strain upon the police has been, what a daily addition to work and responsibility has been involved, and what it means day after day to have to face this handling of disorderly crowds; with all the accompaniment of jeers and abuse, to say nothing of the more practical feature of volleys of stones. We owe our deep thanks to the police, to all ranks from Mr. Clarke downwards, for the way in which they have discharged their duties.

It is in view of these general facts that we recently found it necessary to strengthen the police, and I now proceed to mention briefly the details

covered by the grant. When additions of this kind were seen to be inevitable, we at once consulted the departmental Standing Committee, but otherwise, of course, we could not delay further, as we had to go ahead and get our arrangements in train. Hence it follows that a considerable part of the expenditure for which funds are now sought has been incurred, and I think it will be agreed that, in the circumstances, this was inevitable.

I pass to the details with the preliminary remark that the Council should bear in mind, as I have had occasion to mention several times before, that we habitually run our police on a margin which is barely a margin of safety; that is to say, we do not, mainly for financial reasons provide them with the full equipment and resources, which those responsible for the police consider necessary, and it therefore happens that in an emergency, such as has recently happened in Calcutta, we have to make up leeway, so to speak, which the emergency renders it impossible for us to acquiesce in any longer. There are various items in the list of that kind, and all the demands are explained in the printed memorandum which I think, members have read.

The first is the strengthening of the mounted force in the city. It may surprise the Council to learn that in a city of this size, in spite of the known value of mounted police in controlling crowds, we only have 2 head constables and 18 sowars; we have strengthened that force by the addition of 3 head constables and 30 sowars; at the same time we have had to give higher pay. Such is the market rate for men of this type that the Commissioner could not obtain or keep men at the present rates. They were speedily attracted away by the better prospects offered, for instance, by livery stables.

The next item aims at increasing the mobility of the police, which is an excellent substitute for actual additions to the strength. If we can move a smaller number of men about quickly they may be equivalent to a large number moved slowly, and to effect this, we have provided 2 lorries, 4 motor cycles as well as a motor prison van, at the cost mentioned in the memorandum. I may mention that some of that equipment was asked for in 1920, when I turned it down because money could not be found. As regards the prison van, we were informed some time ago that the bottom of the van was falling out and that it was becoming unserviceable; we told them, however, to carry on, until we found that we could not delay any longer.

In addition to this actual capital expenditure, we have a bill to meet for hire of lorries which the police had to take up pending the provision of this permanent addition. This is not an economical arrangement; the rates which have to be paid are very high, but it was impossible to wait any longer. As the Council must be aware, this motor transport is largely used as a means of moving prisoners between the jail and the courts.

Similar expenditure on a smaller scale was incurred in Hooghly and Howrah; it was required during Christmas week for the purpose of running batches of police between the mill areas and the town, thereby making it possible for a small body of men to make their appearance at any threatened point.

Further, in view of the state of affairs in the north of the town, we had to strengthen the police, and this was done by withdrawing 10 sergeants from the main force and posting them there under the supervision of a special Deputy Commissioner. That meant hring a house which was very expensive, and incurring other incidental expenditure In addition to this, we have employed up to the end of March, 50 additional sergeants with the idea of stiffening the police in that part of the town, if having being found, especially after the events of the 17th November, that if there is not a backing of that type behind the ordinary *parawalla*, it is difficult to expect the latter to take up a very energetic attitude.

The last figure is concerned with the Civil Guard. The Civil Guard is a development of great civic interest which took place in the latter end of November and materialised in December, and it says much for the public feeling of the citizens of Calcutta that during the present difficult state of affairs, a body of men of all races and classes, to the number of over 4,000, more than 1,000 of whom were Indians, came forward and offered their services to Government for the purpose of maintaining the proper administration of the town. Gentlemen like Sir Frank Carter, Mr. Beadel Babu Sailendra Nath Bose and Sir Alfred Pickford and others gave much time and trouble to organising this movement, and to these gentlemen, and to those who formed the rank and file, we are deeply indebted.

Much has been heard and written of alleged indiscipline on the part of this force. As a matter of fact, the Civil Guard was only embodied as such on the nights of the 23rd—24th December and on the evening of the 24th. All the police authorities are agreed that had it not been for the excellent moral effect of the presence of the Civil Guard on the night of the 23rd—24th December, we would not have had the calm atmosphere on the ensuing day, which did fortunately in fact ensue. The total number of arrests made by the Guard has been 216, and I emphasise the fact that only 4 of those were found to have been made for insufficient reasons. As regards the charge of discipline much has been made of it, and as the facts are not publicly known, I will read a detailed report from Mr. Clarke. He writes:—

In the following cases complaints were made against the members of the Civil Guard as private individuals:—

(1) Three members were arrested for being drunk and disorderly on the 12th December; they were immediately removed from the Civil Guard.

(2) On the morning of the 24th December, a member of the Civil Guard in Kidderpore was reported to have removed a horse and phaeton. The same were

recovered and the individual removed from the Civil Guard. This was a private dispute.

(3) A member of the Civil Guard was removed on the complaint of his former employer.

(4) On the complaint of the Police Magistrate, Alipore, two members of the Civil Guard were removed.

(5) A member of the Civil Guard was removed for refusing to pay his tram fare.

These cases did certainly happen to persons belonging to the Civil Guard, but the action for which they were removed was not taken by them in that capacity.

In only two cases were definite complaints lodged against members of the Civil Guard who purported to be acting in their capacity as such.

Firstly. A member falsely accused three persons of wrongful restraint and the theft of his badge and baton. He is being prosecuted under section 182, Indian Penal Code.

Secondly, a member stopped a carriage containing women and attempted to see inside; when remonstrated with he arrested the male escort. He was convicted under section 341, Indian Penal Code.

A certain number of vague allegations and hysterical letters were made public in order to discredit the Calcutta Civil Guard; but the attitude of the unruly sections of the public towards its aims and objects were forcibly demonstrated by the treatment meted out to those Indian members who made an attempt to preserve law and order in the Harrison Road area. This treatment is described in full in Mr. S. N. Bose's letter which was published in the papers.

I think it is only fair that I should further read Mr. Clarke's appreciation of this force.

The assistance rendered by the Calcutta Civil Guard in the preservation of law and order and the maintenance of a peaceful atmosphere, and especially on the 24th December, has been invaluable. From its inception the movement had an immediate moral effect which was greater even than the material effect Actually on the 24th December the assistance rendered by the Civil Guard enabled the police to be considerably strengthened in the more dangerous localities, and it is worthy of record that at the time of the Prince of Wales' arrival it was possible to employ a considerable number of police off the line of route, as was necessary, and at the same time to maintain the police posted in the north town and north suburbs at over ordinary strength. The effect of this was that the attention of the police was not distracted from the principal danger spots and that the very numerous disorderly elements in Calcutta realised that it was too dangerous for them to attempt any *goondaism*. Calcutta thus avoided serious disturbances of the same nature as occurred in Bombay and Madras.

The expenditure on this account has been mainly on the provision of the brassards and truncheons, and the total figure is given in the schedule as Rs. 25,586.

That, Sir, makes up the individual items which it is sought to cover by this grant, and I submit to the Council that, however much it is to be regretted that the actions of these misguided agitators have necessitated this burden on the provincial finances at a moment when we would gladly have avoided it, yet in the circumstances of the case it was inevitable, and the expenditure has been justified by the fact that the visit of His Royal Highness the Prince of Wales passed off successfully,

as also by the fact that up till now we have, though with difficulty, been able to save the town from the somewhat unfortunate incidents that have occurred elsewhere.

Babu SUREHDRA NATH MALLIK being absent, the following amendment standing in his name fell through:—

"(*i*) that the demand for a sum of Rs. 34,000 which it is proposed to transfer from the head '47—Miscellaneous' to the head '26—Police', and

(*ii*) that the sum of Rs. 2,08,462 which it is proposed to grant under head '(26—Police),' be refused."

Rai HARENDRANATH CHAUDHURI: I move that the sum of Rs. 2,08,462 which it is proposed to grant for expenditure under head '26—Police' be reduced by Rs. 1,49,189."

Before we make up our mind to vote for this demand, we ought to bear in mind *first* that this demand is coming after the supplementary police grant of Rs. 23 lakhs during the current financial year, and secondly, that it is being made just after the assurance given by the Hon'ble the Finance Member that expenditure has been or will be cut down to the very irreducible minimum. Further, we should take care to consider to how much recurring expenditure we shall be committed by voting for the demand. It will be seen on referring to the memorandum that has been circulated in this connection that in this demand is included a demand of Rs. 1,23,603 for establishment, that is, staff and equipment, on a permanent basis. If we grant this now we shall commit ourselves to a recurring expenditure exceeding Rs. 1,23,603 per annum. I have therefore thought it proper to refuse this item. My proposal for reduction further includes an item of Rs. 25,586 for Civil Guard. I am quite prepared to grant the demands for temporary staff and motor hire if the expenditure incurred on those heads was rendered imperative on account of the Royal visit, but I am not prepared to vote expenditure for civil guard. By refusing this item of Rs. 25,586, I do not mean to deny the services or disservices of the Civil Guard, but I am not prepared to admit that the circumstances of the recent Royal visit rendered expenditure for the Civil Guard necessary. I think this item of expenditure should be borne by those amiable gentlemen who enlisted themselves as such, and of whose self-sacrifice and patriotism we hear so much in a certain section of the press. At least Bengal (outside a certain section of Calcutta, of course) should be spared the burden of contributing to the cost of such a punitive police.

With these words, I propose that the demand be reduced by Rs. 1,23,603 on account of permanent staff and equipment and by Rs. 25,586 for Civil Guard, that is, by a total of Rs. 1,48,189.

Babu INDU BHUSHAN DUTTA: I move "that the sum of Rs. 2,42,462 which it is proposed to grant for expenditure under head '26—Police' be reduced by half."

My first idea was to move for the refusal of the whole grant, but, Sir, the extreme friendliness of many members of this Council towards all Government measures, as has been evidenced by their voting during the last week, has made me pause and wonder, if it is possible to carry any of the wishes of the people through this Council. I have therefore followed the advice contained in the well-known Sanskrit adage "*Sarbanese samut ponne ardhan tajoti pandita*" which means: "When you are in danger of losing your all, it is wise to be prepared to lose at least half." That is the main reason of my proposal to reduce this expenditure by half. Moreover, when I sent in my motion, I had not received the details of the demand, and it was not possible to mention all the items that I wanted to cut down. Now that the details are with us, I would refuse the whole of the demand for the Civil Guards, which comes to Rs. 25,586. The balance of Rs. 95,645 I would cut down from the Mounted Police and the Calcutta and Howrah motor vehicles. This brings up the total to Rs. 1,21,231, *i.e.*, the half of the demand, as proposed by me. Now, as to the reasons why I propose to reduce the grants. My first reason is that the Hon'ble Member has not been able to make out his case of threatened disturbance of the public peace and there is absolutely no justification for increasing the already extravagant expense of the Police Department. Most of the cases that have been recited refer to the period after the promulgation of the repressive measures. The application of these measures changed the whole aspect in this province. It made discontent more palpable. Though I do not agree with those gentlemen who thought it best to violate these laws, I think, Sir, considering the nature of the movement, it was not wise to rush hastily in the announcement of the promulgation of these measures.

My second reason is that we must protest—most vehemently protest—against the methods that have recently been employed by the Police, the sergeants and some members of the Civil Guard in the name of law and order in the streets of Calcutta—methods which have no sanction in any canon of law or order in any civilised country.

First, let us take the case of the Civil Guards. I do not know whether they are a purely non-official body—or whether they consider themselves under the direct patronage of the Government. If I am not much mistaken, I think the highest authority in the land, His Excellency the Governor, declared in this Council that the Civil Guards were a purely private organisation, and even their doughty champion Mr. Fazl-ul Haq told us the other day that the Civil Guards were a private body. Then, how is it, that the Hon'ble Member comes forward in this Council to demand Rs. 25,000 for purchasing their batons and brassards? Is there any precedent for this sort of demand? Has the Government paid anything towards supplying funds to any volunteer organisation—however laudable may have been their activities? We have heard that the valiant members of the Civil Guard have been actuated by the noblest of motives to serve their fellow-citizens. Is it

conceivable that such nobility—such gallantry—fights shy of spending a paltry sum of Rs. 6 for purchasing a brassard and baton? To ask the people to pay for the accoutrements of a purely voluntary body—to go on adding taxation on taxation on the hapless people to provide these gentlemen with their baubles—is an extravagant absurdity which no Council ought to sanction: And further, what sort of organisation is this, that will not even spend its money on its own tinsels? Sir, it pains me a great deal to have to say anything derogatory about an organisation, which claims some members of this Council as its members. But truth has to be told, however unpalatable. The Hon'ble Sir Henry Wheeler has cited some cases and I need not go into them again. He has, however, explained them by saying that these delinquents committed offences in their private capacity and not as Civil Guards. Sir, the ordinary people, when they see men carrying these badges committing offences, find it difficult to make any discrimination as to whether the action is committed by the Civil Guards in their private capacity or not. The suspicion remains, the hatred goes, and the discontent increases and what is the result? The result is that this organisation, which, I believe, came forward with the noblest of motives, has earned for itself an evil name. To the honest members of the Civil Guard my request is this: Let them disband the present organisation and then organise a new one in a careful way. If they do it, I shall be the first to enlist myself as a member. ("Hear, hear)." I believe that there have been more cases against the members of the Civil Guard in the law courts than there were cases of intimidation against volunteers before the promulgation of these repressive laws. And what is the result? On the one hand, the volunteers have been declared illegal; on the other hand, this Council is asked to provide funds for the Civil Guard—Is this not beautiful justice indeed!

As regards increasing the number of the police and the sergeants, we must oppose these grants. The behaviour of these gentlemen, the indiscriminate and brutal assaults which they have indulged in, the tendency of many of these gentlemen to get so excited as to play fast and loose with people's lives by letting off their rifles—apparently without orders—have made law and order nauseating in the eyes of all true lovers of law and order. We cannot go on increasing their number and we cannot supply them with extra funds until the whole force is reorganised on a more efficient basis.

Let the Government bear in mind that no Government can exist on its Police and Military alone. It is the acquiescence of the people that is needed—it is the contentment that is necessary. Has not the case of Ireland fully taught us that law and order cannot be long maintained by bayonets and rifles? Contentment of the people is the first thing needed. What has the Government done towards this? If the Government continues in its policy of repression, the number of discontented people will grow to such an extent that even this extra police

demand of to-day will not suffice; they may have to require a force of 45 million policemen to look after the 45 million people of Bengal. Is this what the Government want or do they want contentment? Let the Government answer.

Kumar SHIB SHEKHARESWAR RAY: I move "that the sum of Rs. 2,08,462 which it is proposed to grant for expenditure under head '26—Police' be reduced by Re. 1 only."

My amendment is to reduce the demand by Re. 1 only ("Hear, hear.") When I sent in my amendment, the bogey of a deadlock was striding triumphantly through the Council Hall, members were quailing before it. Their loyalty, their allegiance, their sense of duty, all were being invoked. Malaria stalked out from the ministerial bench, primary schools sprung up duly and the deadlock bogey was laid to rest. And I dare not raise it up again to inflict the Councillors with unnecessary trepidation. So my amendment differs from those of my esteemed friends, not because I disagree with them, but simply because I am also afraid of the deadlock bogey.

My amendment proceeds purely on a question of principle. The amount of nature of the demand is quite immaterial for whenever the Government wants any money for any purpose, it asserts that what it demands is the irreducible minimum. It may be so although it is a big "may," but we, on our turn, assert no less vehemently, that it is the policy that is always responsible for the irreducible minimum. In the present instance, the policy itself is expensive, a policy which would necessitate more and more policemen, sowars, prison-vans and brassards and batons for the Civil Guards. Therefore, the question is whether we are or we are not in sympathy with the present policy of the Government and the measures it has adopted to enforce it.

All these measures have been adopted after the famous *hartal* of the 17th November. Vague, indefinite allegations were made about wholesale intimidation of the people of Calcutta. But no specific charge of intimidation or assaults was brought against any in any of the courts. Big people heard from their servants, clerks, and drivers that if they worked on that day they would be done away with. And the big people, as is usual with all big people, even the Government, took those tales of servants as gospel truths, without caring to verify whether those really were intimidations sufficient to intimidate reasonable men, or were excuses of the servants themselves who had not the courage to own up before their masters their sympathy with the non-co-operators. And so the big people made big moves. They at once approached Government heads; and those, who could not do that, wrote long letters to the Press. On the one hand, the phenomenal success of the *hartal* could not be denied, but on the other hand it was not thought politic to acknowledge that popular sympathy was with the non-co-operators and so the Government fell into line with those big people. Intimidation was

said to be the root cause of all trouble. And, as a result, all associations, the avowed objects of which surely are not hooliganism, but only having non-co-operating tendencies, were declared hooligan associations by the Government. A body of undisciplined men were vested with wide police powers, all political processions, all political meetings were stopped. Let me tell you, Sir, civil disobedience was not even then thought of in Bengal. It might have been academically discussed at the time. But so many interests were involved that it was beyond practical politics. The Government, however, came to the rescue of the non-co-operators. It issued strange notifications, and made crimes of things not by themselves immoral. Sir, it is the Government that has taught people civil disobedience, by cutting off the moral basis, the eternal foundation of all laws. By one single notification the Government tried to transmute moral persuasion into criminal intimidation and the underlings of the Government improved on it, and made it easy for the non-co-operators. It issued strange notifications, and made crimes activities of the Police and the demand for more and more police. I have no desire to describe the horror and humiliation of the whole thing, but you should have seen for yourself, Sir, how the volunteers were being arrested, how the meetings are being dispersed, how the offenders are being treated, to judge for yourself, the absolute futility of the Government measures. I tried to follow Sir Henry Wheeler very closely, but I could find no serious grounds for launching in the present policy; whatever disorders he refers to be followed the inauguration of the policy; the policy is shaking the very foundations of the Government. People are beginning not to look up for justice to it, even our greatest hope; the constables are being demoralised when they see their countrymen punished for so-called crimes what the constables themselves do not understand. There is a great searching of heart amongst them, and these poor people are also beginning to think that they are employed by an alien Government as mere mercenaries, to keep for ever their own countrymen in submission. Their high moral tone, their self-respect as serving the *Sarkar*, which amounted to serving their country are fast slipping away.

Let us not deceive ourselves with false reasonings based on no foundations; I for myself do not agree with all the methods of the non-co-operators or with all their actions. But that is no reason why I should lend a hand in crushing, in incarcerating a party to whom I am politically opposed. Our ideals do not differ, only our methods. All of us want *Swaraj*. But as long as their actions do not infringe the ordinary laws of the land, which have a moral basis, I might oppose them, but surely not try to stifle them or to force them into submission. Sir, I repeat again that I am strongly opposed to civil disobedience; specially, representing a zamindari electorate, I shall fail in my duty, if I do not declare that no other interest is so much endangered as ours by civil disobedience ("Hear, hear"). For self-preservation alone we must

oppose any sort of civil disobedience. And so it grieves me all the more when I find the Government giving a fillip to it, an impetus, a straining which, in ordinary course of events, it never could have got.

Repression will ever lead on to further repression, and coercive laws have no end. We cannot thus suppress a whole populace. The weak amongst them may falter, may fall off for some time to gather again round the standard with more bitter acrimony. Moreover, Sir, one glaring defect of the present policy has been that it is, slowly but surely, alienating the sympathy of those who still retain confidence in British administration. This, surely, is a matter for grave consideration of the Government. I entreat the House to let the Government know, by its vote, that we want to change the present policy of the Government. The Government has every right to demand of us a constructive policy to replace the present one. But such has been the feeling in the country that before we can be expected to make a suggestion even, these offensive measures of the Government must be withdrawn. All that we can now suggest is that withdraw these measures and create an atmosphere to rally the co-operators, to enable them fully to judge the evil effects of the non-co-operation movement and to give them a chance to devise ways and means to combat the evil. I admit we have been guilty of inaction in the past, but we have had our lesson; the Government have had its lesson, and the non-co-operators, too, have had their lesson. But let not further blunders aggravate the situation. Any student of history would tell you that the British Government have had to deal with far greater difficulties in the past, but the British statesmanship have almost always come out victorious. And it will do so far more easily in the present instance.

Let us take the preliminary step at once. Let these offensive notifications and orders be withdrawn; let us put an end to these farcical arrests and deplorable show of maintaining law and order.

With these words, I commend my amendment to the acceptance of this House.

Babu KISHORI MOHAN CHAUDHURI: In saying what I have to say I may tell the Council that I oppose any increment to the recurring charge of the Police Department. The police expenditure is already heavy and no permanent increase should be allowed. If there was any special necessity for a special purpose when His Royal Highness was here that necessity is gone. The repressive measures ought to be withdrawn—the whole country is clamouring for it. A large number of persons have been arrested and detained in jail but no appreciable result has been achieved. On the other hand, there is a tendency that in place of one person arrested, hundreds and hundreds are coming forward to take his place. I am not myself a non-co-operator, but I think that so long the non-co-operators are non-violent they should not be punished simply because they are non-co-operators.

We ought to depend on the ordinary law of the land and on the penalties provided therein. The real cause of the discontent ought to be ascertained. It is a political grievance, the Reforms are not satisfactory and the Government grant is really an illusory one. There has been a demand for real reform from the very beginning. Experience has also shown that dyarchy is not a satisfactory arrangement nor can it do any good to the people, and that seems to be the root cause of the discontent. So it is High time that the cause of the distemper ought to be ascertained and should be removed; otherwise peace cannot be restored in the land. I therefore appeal to Government that, instead of proceeding with repressive measures, real policy of conciliation ought to be adopted. I do not think that we would be justified in increasing the police expenditure for doing anything and everything or for suppressing the real grievances of the people.

With these words, I oppose and demand for a permanent increase to the police grant.

Mr. C. F. BEADEL: I did not realise that opportunity would be taken of this demand to make an attack on the Civil Guard, because later on there are resolutions in connection with that body. The members who attacked the Civil Guards seem to forget that there would have been no Civil Guard if it had not been for the activities of the leaders of the non-co-operation movement. The Civil Guards sprang from the regrettable incidents which happened on the 17th of November; public feeling rose very high not only amongst the Europeans but also amongst the Indians as well; and those gentlemen who were representatives of that public feeling, or shall I call it of that community who are in favour of law and order, tendered their services voluntarily to the police, not to the Government *per se*; and their offer of assistance was accepted by the Commissioner of Police. Objections have been taken to the police providing the brassards and batons for the use of the members of the Civil Guard. Well, I would like to say that so far as I myself and hundreds of others in my position were concerned, it did not matter had we to pay for the brassards and batons, but there were a considerable number of persons to whom the cost of Rs. 5 or Rs. 6 would have been a considerable item of expenditure—the mere fact that they were poor is surely not against them. The poor as well as the rich are entitled to look after themselves. The Civil Guard, it is true, is an emergency body and as such the enrolment was not carried out in as thorough a way as those responsible for the Civil Guard would have liked. But measures were taken to remedy this as far as was possible. A good many brassards and batons were taken away from the undesirable members, and I can assure members who dislike the Civil Guard that the policy of those who are responsible for it is that a very careful examination is to be made as soon as possible and that as a result of this

the number of the Civil Guards will probably be considerably reduced. I am sure that we shall welcome the enrolment of my friend Mr. Indu Bhushan Dutta, for I am sure he himself, like myself, is only too anxious to see law and order maintained in this city.

I do not want to say anything more in this connection, for I may have to defend the Civil Guard later, but what I should like to say in connection with the general question, that is, the grant asked for, is that the policy of Government, which has been so severely attacked in one or two quarters, has been approved by the Legislative Assembly at Delhi as that Assembly have passed by a fair majority what may be called a vote of confidence in the Government. Surely then this House having such an excellent example before it will look upon this question in a reasonable and statesmanlike manner. Members of this House showed much sense last week and I feel confident that they will continue to do so in the future.

Mr. H. BARTON: Somehow it always seems to be the case that whenever grants are asked for the Police they are opposed on some line or other. On this occasion we find that the Civil Guard has been placed side by side with the police in asking that the grant of expenditure on their account should be refused. The attitude of those who lodge these objections appears to be that they have a grievance against the Government. I think if they look upon the question from a broader standpoint and with due regard to all that is happening from day to day, they cannot but admit that all these grievances are traceable to one single individual, that is Mr. Gandhi. These followers of the non-co-operation doctrine in their attempt to please Mr Gandhi are over doing themselves and so bringing upon themselves the displeasure of Government. We must try to understand that Government is always actuated by experience. What has been the experience in Calcutta? What has been the experience in Bombay? What has been the experience in Madras? Government is bound, when such situations arise, to do their duty by the citizens. The measures introduced by Government have been forced upon them, and so long as the situation does not improve, Government will be bound to retain those measures. His Excellency the Governor, speaking in this House, clearly made it understood that there was no desire on the part of Government to terrorise the people, there was no desire on the part of Government to introduce severe measures, and if those who were responsible for the position created were willing to express their regret and to give an undertaking to be of good behaviour, they would be set free and no measures would thereafter be taken against them; but we find, day in and day out, that in their efforts to please Mr. Gandhi they are deliberately placing themselves on the side of lawlessness and disorder, deliberately flouting the authority of Government and insisting that they will do things which Government say

should not be done. So long as this state of things continues, it is the bounden duty of Government to see that law and order are maintained. We ought to ask ourselves—Who created the position? Certainly not the Government. With regard to the Civil Guard we notice that speakers are very careful only to give us one side of the version of what might have taken place. They never care to place before the House both sides of the case, and I am sure if a full investigation is made, we may find that the Civil Guard in one or two instances have been to blame, but in every case where a Civil Guard was to blame we will find that about 100 persons on the non-co-operation side were to blame, and for this reason the House is asked to reject the amount of money required to meet the expenditure in connection with the Civil Guard. His Royal Highness the Prince of Wales was very pleased to give high testimony with regard to the duties performed by the Civil Guards. We all know that had not the Civil Guard been out to do its duty on the 23rd, we should probably have been faced with the same troubles as happened in Madras where, in the early morning, the non-co-operators had started their campaign of trouble. Had it not been for the Civil Guards, Calcutta would have been in darkness on the 24th. It was due to them that the roads of Calcutta were lighted on that night. Had it not been for them, many of the members who are now so loud against the Government action might themselves have come here and asked Government why they did not do something to prevent trouble which must undoubtedly have come about. We know what took place in other parts. Women and children were molested, and it would have been a very peculiar position for those who are speaking against this grant to-day, had they themselves been molested, to find their wives molested, their daughters molested and themselves disgraced and humiliated by the doings of those people They would then have understood that it was up to Government to see that people who were out to create trouble were prevented from doing so. The expenditure on the other hand, I think, is very small indeed. Had not the people come forward to join the Civil Guard, the Commissioner of Police would undoubtedly have asked that the police force should be increased to a considerable extent, and instead of Rs. 25,000 we would perhaps have been asked to sanction about three times that amount. I think the formation of the Civil Guard saved Government a considerable amount of money and saved Calcutta from trouble and the members of this House instead of finding fault with Government ought to record a vote of thanks for the timely measures taken in protecting the citizens of this town against the violence then threatening.

The Hon'ble Sir HENRY WHEELER: The criticisms that we have heard from those who have attacked this grant fall into two main categories, namely, those which are concerned with the details of the expenditure, and those which attack it, independently of its merits as such, but

on account of various aspects of Government action of which the speakers do not approve. Now, in so far as this is primarily at the moment a motion for a financial grant, I will begin by meeting the first class of argument. Thus we find that Rai Harendranath Chaudhuri and Babu Indu Bhushan Dutta are both particularly opposed to the expenditure in connection with the Civil Guard. I gather from what they have said that they are prepared to meet other expenditure connected with His Royal Highness the Prince of Wales' visit, but they cannot pass the Civil Guard, and we have had this curious line taken by Babu Indu Bhushan Dutta that in so far as this was an effort of private gentlemen, they should have gone a little further in their voluntary help and found the money required to defray the cost. Now, Government are often accused of doing things as a Government which they would never dream of doing as private individuals in their private affairs; particularly is that charge levelled against the Finance Department, and it is often said, and not without some truth, that we would never dream of treating our private servants in the way we sometimes, on public grounds, treat the servants of Government. I cannot but think that Mr. Dutta, in his wish as a pubilc man in this Council to adduce criticisms against the action taken by Government, is advocating a course of some meanness, which I cannot believe he would follow in any private transaction with which he was concerned. I am certain that if his property was in danger and his neighbours were to offer to defend it against an impending dacoity, or what not, he would gladly pay for the equipment required by them for the purpose. The same argument applies to the Civil Guard, and it would have been the height of meanness, and, as Mr. Beadel has pointed out, a cruel meanness on the part of Government to expect the poorer section to pay those charges. As regards the work done by the force as a whole, I have already spoken, and as my remarks have been supplemented by other gentlemen who have first-hand knowledge of the subject, it seems needless to say more.

The other financial objection taken has been to the recurring expenditure. Here again, Babu Kishori Mohan Chaudhuri says that in the circumstances he will swallow anything permanent, but he will object to anything recurring. Rai Harendranath Chaudhuri is perhaps misled as to what the amount of this recurring expenditure is. It is not the figure of Rs. 1,23,603 which appears on page 2 of this memorandum, which includes the capital cost of motor transport and matters of that kind. The actual recurring expenditure involved in these proposals and will merely be the cost of the addition of 3 head constables and 30 sowars to the mounted force, together with the upkeep of their horses and equipment, syces, etc., and the running charges of the motor equipment which we are now giving. That being the case, I would ask Babu Kishori Mohan Chaudhuri that now that he has brought himself to swallow the camel, he might let himself go a little further and try to swallow the gnat.

Otherwise, we have had criticisms of the second kind, which attack the policy of Government. Now, on that we shall hear a great deal more in the course of the next one or two days with reference to various resolutions of which notice has been given, and I shall have to speak on them. That being so, I would prefer to reserve my remarks on that aspect of the question for the present, especially as the motion before the Council now is merely for a financial grant I, of course, repudiate the suggestion that up to the 17th November all was peace and happiness, and that all our subsequent troubles were caused by the reasonless; unwarranted and misguided action of the local Government. Memories are proverbially short, but it is amazing to find it now argued after the lapse of only two months that really nothing occurred on the 17th, that really nothing much happened before that date, and that there is really nothing much to take note of at all, except, as I have said, the strange actions of the local Government. The allegation that Government was moved to action merely at the instance of some " big " persons is an extraordinary perversion of the facts. After all who are the people who suffer most from the effects of *hartals* and boycott? Surely it is not the big people, who have their own motor cars, their own servants, and their own houses where they can lay in supplies. The people who suffer most are the small people; as Mr. Krishna Chandra Ray Chaudhuri has told us it is the wage-earners who suffer, inasmuch as they lose their wages; it is the people who travel by tram and who either have to walk or to keep away from their places of business. It is just because it is the large majority of poor which suffers, that these tactics fulfil the non-co-operator's object of spreading widely a feeling of unrest.

In the light of what has been said this afternoon, and on the merits of the case, I think I am entitled to ask the Council to vote this grant.

Rai HARENDRANATH CHAUDHURI: May I rise to a point of explanation? I did not say that all the sums mentioned in the memorandum would be recurring charges, but that the recurring charges would be something approaching Rs. 1,28,000.

The Hon'ble Sir HENRY WHEELER: I will give the member the exact figure if he cares to come and see me.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): The question is that the sum of Rs. 2,08,462 which it is proposed to grant for expenditure under head " 26.—Police " be reduced by Rs. 1,49,189.

The motion being put, a division was taken with the following result:—

AYES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Rai Harendranath.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dutta, Babu Indu Bhushan.
Janah, Babu Sarat Chandra.
Karim, Maulvi Abdul.
Ka-im, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.

Khan, Mr. Razaur Rahman.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Makramali, Munshi.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Nalini Nath.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.

NOES.

Ahmed, Maulvi Yakubuddin.
Ali, Munshi Ayub.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Das, Babu Bhismadev.
Doss, Rai Bahadur Pyari Lal.
Duval, Mr. H. P.
Faroqui, Mr. K. C. M.
French, Mr. F. C.
Goode, Mr. S. W.
Gorden, Mr. A. D.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Kerr, the Hon'ble Mr. J. H.
Lang, Mr. J.
Larmour, Mr. F. A.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
Mallik, Babu Surendra Nath.
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. G.
Mullick, Babu Nirode Behary.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abd-ur-.
Rauf, Maulvi Shah Abdur.
Ray, Rai Bahadur Upendra Lal.
Ray Chaudhuri, Mr. Krishna Chandra.
Robinson, Major-General W. H. B.
Roy, Babu Jogendra Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Salam, Khan Bahadur Abdus.
Sinha, Babu Surendra Narayan.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Suhrawardy, Dr. Hassan.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 22 and the Noes 48, the motion was lost.

The DEPUTY-PRESIDENT: The question is that the sum of Rs. 2,42,462 which it is proposed to grant for expenditure under head "26.—Police" be reduced by half.

The motion was put and lost.

The DEPUTY-PRESIDENT: The question is that the sum of Rs. 2,08,462, which it is proposed to grant for expenditure under head "26.—Police," be reduced by Re. 1 only.

The motion being put, a division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Munshi Amir
Ali, Munshi Ayub.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Choudhuri, Rai Harendranath.
Dutta, Babu Indu Bhushan.
Jenah, Babu Sarat Chandra.
Karim, Maulvi Abdul.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Ray, Kumar Shib Shekhareswar.
Roy, Babu Jogendra Krishna.
Roy, Babu Nalini Nath.
Roy, Mr. Bijoy Prosad Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Afzal, Nawabzada K. M., Khan Bahadur.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Barton, Mr. H.
Beadel, Mr. C. F.
Bias, Mr. E. E.
Bompas, Mr. C. H.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Cohen, Mr. D. J.
Das, Babu Bhismadev.
Das Gupta, Rai Bahadur Nibaran Chandra.
Dass, Rai Bahadur Pyari Lal.
Duval, Mr. H. P.
Faroqui, Mr. K. G. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Gordon, Mr. A. D.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Kerr, the Hon'ble Mr. J. H.
Lang, Mr. J.
Larmour, Mr. F. A.
Law, Raja Reshee Case.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
Mitter, the Hon'ble Mr. P. C.
Morgan, Mr. G.
Mullick, Babu Nirode Behary.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abd-ur-.
Rauf, Maulvi Shah Abdur.
Ray Chaudhuri, Mr. Krishna Chandra.
Ray Chaudhury, Raja Manmatha Nath.
Robinson, Major-General W. H. B.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilall Singh.
Spry, Mr. H. E.
Stark, Mr. H. A.
Stephenson, Mr. H. L.
Swan, Mr. J. A. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 26 and the Noes 45, the motion was lost.

The Hon'ble Sir Henry Wheeler's original motion was then put and agreed to.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): I move "that a sum of Rs. 6,247 be transferred from '31.—Education—Special grant—Indian Education—grants to non-Government special schools' to the '41.—Civil Works—Public Works Department' for providing water connection in the hostels attached to the Jagannath Hall, Dacca."

It may be within the recollection of this Council that at the last budget time, this Council voted for the erection of the Jagannath Hall building. That building contains, amongst other things, the main building, with a hall, library, 16 tutors' rooms and a common room for the students and two hostels, each to accommodate 100 students. The sanctioned estimate was about Rs. 3½ lakhs and was sanctioned by the Council in last year's budget. The hostels and buildings were completed by the Public Works Department during the year. The Dacca University applied to the Government for the sanction of Rs. 6,247 for water connection and Rs. 29,000 and odd for electric installation. In view of the financial difficulties Government could not take up the electric installations but was prepared to sanction the water connection. If the water connection be not sanctioned, the building for which a large sum of money has been spent, cannot be used. I, therefore, ask the Council to vote for this small grant specially as Government has found the money by retrenchment. The sanction of the Council is necessary because we want to transfer the expenditure from one head to another, namely, from the head "Education" to the head "Public

Works Department," as this will have to be undertaken by the Public Works Department.

The motion was put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I have the honour to move "that a sum of Rs. 8,373 be transferred from '32.—Medical—salaries—non-voted' to the head 'Salaries—voted' under the same major head to provide for the salary of an officer of the grade of Assistant Surgeon who has been appointed to hold a temporary post during the absence of an officer of the Indian Medical Service.

This is a very small matter. It so happened that we were able to appoint, instead of an officer of the Indian Medical Service, an officer belonging to the grade of Assistant Surgeon. The salary of the officer of the Indian Medical Service is non-voted, but the salary of the Assistant Surgeon is voted. We have therefore got to transfer this from non-voted to the voted grant and I have the honour to place before the house the motion for the above grant.

The motion was put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move "that a sum of Rs. 3,000 be transferred from the lump provision of Rs. 21,000 (non-voted) under the head '33.—Public Health—Salaries for Director and Assistant Director of Public Health' to the head 'Contingencies' of the Bacteriological Department of the Calcutta Medical College to meet the extra contingent expenditure of that Department.

Here again there is a transfer from the non-voted head to the voted head for certain work which had to be carried out in the Bacterological Department of the Medical College. I am sure this Council will vote this grant.

The motion was put and agreed to.

The Hon'ble Sir SURENDRA NATH BANERJEA: I move "that a sum of Rs. 5,600 be transferred from head '33.—Pubic Health—Pay of Health Officers and Sanitary Inspectors' to the head '41.—Civil Works—Public Works' for the completion of the Jangipur flood and flush extension scheme."

Here again, Sir, the principle is the same or rather it operates in a different way. We provided a certain sum of money under the head "Pubic Health" in order to construct works of flushing and flood operations in Jangipur. This had to be transferred to the Public Works Department which had to carry out the work and my motion covers this work. I hope this House will agree to the motion.

The motion was put and agreed to.

The Hon'ble the Nawab SAIYID NAWAB ALI CHAUDHURI, Khan Bahadur: I move "that a supplementary grant of Rs. 2,02,400 for expenditure under head '41.—Civil Works' in connection with the partition of Midnapore."

The circumstances in which the Council is now asked to grant this sum of Rs. 2,02,400 are set forth in a memorandum, dated 19th January,

copies of which have been circulated to the members of the Council. It will be observed that the total amount, *viz.*, Rs. 7,25,000 which His Excellency certified in pursuance of his decision to complete the building project in connection with the partition of Midnapore District, was the same as that provided in the Budget Estimates for 1921-22, which this Council declined to vote. Since then, in accordance with the further decision come to by His Excellency, *viz.*, to close the operations in the most economical way possible it has been necessary to incur further expenditure. At the time this further decision was communicated to the Public Works Department, contracts had been entered into for the construction of the more important buildings and the work on these buildings was in full swing. In addition there was a running contract in operation for the manufacture and supply during each of a number of years of the bricks required for the work.

The members of the Council as businessmen will, I think, agree with me that it is not, as a rule, economically sound business to summarily resile from a contract as the party to the contract who is carrying out a work can justly claim to be compensated for labour arrangements made, materials ordered or brought to the work and loss of prospective profits on the work.

Taking into consideration the progress already made and the circumstances governing the work, the Government of Bengal were advised by the Public Works Department that the most economical way of closing down the work would be to complete those buildings which were under construction and to complete the manufacturing operations for the season which were then in full swing. This advice was accepted and in order to give effect to the arrangement and the decision that no provision should be made in the Budget of 1922-23, the Public Works Department has to meet a further expenditure this year of Rs. 2,02,400 over and above the amount spent under the certificates given by His Excellency.

The Council is now asked to sanction this supplementary grant in order to finally close down the work during the current year in the most economical way possible.

With these remarks, I ask the Council to make this supplementary grant.

The motion was put and agreed to.

Resolutions

(under the rules for the discussion of matters of general public interest.)

Piece-work system of work in the Printing Department.

Babu HEM CHANDRA BHATTACHARJI: "This Council recommends to the Government—

(*i*) that the piece-work system of work in the Printing Department of the Government of Bengal be discontinued;

or, in the alternative,—

(*ii*) that a mixed committee, consisting of official and non-official gentlemen and of representatives of the employees of the Printing Department, be appointed with a view to reporting on the possibility of abolishing the existing system of piece-work in the Printing Department of the Government of Bengal."

The mover spoke in Bengali in support of his resolution. An English translation of his speech is printed below:—

Though it is certainly true that my principal resolution is in favour of the abolition of the piece-work system, yet those who are not well acquainted with the real state of things about the piece-work system may naturally think that men employed on the piece-work system get wages equal to the quantity and quality of the work done by them, that that is quite sufficient for them, and there is nothing to complain against. It is not so in fact. These piece-workers have wants and grievances at every turn. I shall not be able to describe fully the tale of their miseries. As it is necessary that the members of the Bengal Legislative Council if they want to learn accurately and without any mistake the condition of piece-work employee, should be fully acquainted with the evil system under which they have to work, I submit this resolution before the Council.

I am stating briefly to this just Council of the British, composed of the representatives of this country, some of the wants and grievances of the piece-workers so far as I have been able to learn them in the course of these two years, though over and above these they have new grievances every day. Even from this, many will be able to see whether this matter ought to be remedied or not.

From a discussion only of the system on which piece-work employes are given their wages, it may be seen how they have to depend upon some paid servants.

1st. Section-holder—He enjoys a monthly salary. His duty is to distribute work among the piece-workers. 2nd. Store-keeper.—He too enjoys a monthly salary. Piece-workers are compelled to go to him for types after they have taken work from the Section-holder. 3rd. Case-suppliers.—He too is a salaried man. The Store-keeper sends to him slips or letters of order for the necessary "cases." 4.—Coolies or Bearers.—They too are salaried. The Case-supplier sends cases to officers through these coolies. 5th. Type-supplier.—The piece-worker has to seek his help if there is not sufficient quantity of the necessary types in the cases sent. The poor, unfortunate officers perhaps come at 9 o'clock, and after spending nearly an hour or an hour and a half in getting clear of these five officers named above, they begin work after this length of time.

It should be remembered that though piece-workers are not paid for the time mis-spent in waiting on these men, yet these salaried men get paid for that very period. Just here, two kinds of interests are created in the same office and for the same work. The interest of one party is that their wages will be the higher, the earlier they can begin their work; and the interest of the other party is that they will get their salary according to fixed rules though they work leisurely, no matter how much time is spent (in that way). However, the piece-workers first get their work in this way and then there is again 6th the galley-proof man. He too is salaried. The piece-workers tie up the matter which they have composed and carry that to him for pulling proof, either personally or through a salaried coolie. He will pull a proof and send on the proof and the composing matter to the compositor through a bearer. The compositor will send the proof to the Section-holder named above. The Section-holder will send that proof for correction to 7th the first proof Reader. He too is a salaried man. ' The Reader will correct that and send that through the Section-holder to the compositor. The compositor will correct it, divide it into pages and take it again in the same way to the (Sixth) pressman for getting a proof. After the proof has been pulled and has again been sent in the same way to (8th) the Second Proof Reader—he too is a salaried man—through the Section-holder, he sends it after correction to the compositor in the manner already stated. After the compositor has corrected it and got a proof again in that way, it is sent on to the (9th) Third Proof Reader or Reviser—he too being a salaried man. He corrects or examines it and sends it on to the compositor. The compositor corrects it again, gets a proof according to the rules stated above and sends it to the author through the Section-holder. After so much time, the work which the compositor received, or the set-up work, has nearly come to a finish. After the set-up work has been finished and a copy of the proof has been sent to (10th) the Computer—also a salaried man—he fixes the wages for the work. If different computers are seated in different places and asked to compute independently the price of any one particular piece of work, then it will appear that the figures of no one man will agree with those of others, that is to say, every one computes after omissions by case. It is certainly true that these omissions are for the blank spaces, but the piece-workers spend their time and labour in preparing these blanks with materials. So, as there is no fixed rule for determining how much time is taken for how much work, and how much omission for not composing should be allowed for a certain space, the fate of the poor piece-work compositors depends on many occasions entirely on the good wishes or whims of these men. Many instances of such caprice will come to light only if the charge-files of the offices are examined.

Moreover, there are many such pieces of work the wages for which cannot be had even for two or three months. Because, it may be that

when a certain worker's set-up work has almost been finished after going round in the way stated above, or even in the course of the work, the office heads send him the copy of some other urgent work. So that work is shelved in a half-finished or almost entirely finished state. That shelved work is resumed perhaps after a month or two or even a longer interval and, therefore, the wages too will be received at that time; for, he will not be paid, though the set-up work has been finished and only the proof or the revision remains to be done. It is only for the negligence of one or two salaried men that the poor piece-worker does not get his wages though he has laboured for it. But in many cases these wages cannot be had without difficulty. In many cases, the wages for the work done by one man is entered against the name of another. He gets the wages only if he be present at the office at that time and can find out the mistake. Otherwise, nothing will fall to his lot. Consider if these abuses do not make the piece-work system, a terribly vicious system?

Hour Work.—As soon as the set-up proof named above which was sent up to the author comes back, the Section-holder notes the time on it and hands it over to the worker. The rack number is written at the top of the proof and the proof is taken to the (11th) Standing Keeper—he too being a salaried man. He orders the salaried coolies to get out the galley; and the compositor corrects it, gets the proof pulled by the salaried Proof Pressman and gives it to the Section-holder after noting down the time of finishing it. The wages for some time are not paid for one or two weeks or more between receiving it and giving it back. (Those who make those deductions are called Checkers—they too being salaried men.) For example, there are different grades among officers, some being in the grade of Rs. 25, some of Rs. 30 and some of Rs. 40. Suppose one man is on the grade of Rs. 25 a month and so he gets two annas and three pies an hour. Suppose he is given a piece of work at 12 o'clock; about one hour is lost in getting clear of the Standing-Keeper, the Coolie, the Proof Pressman, the Supplier, etc., at the rate of ten minutes per man on the average. Suppose after this there is a turn for B or C types. Half an hour is spent in collecting these types through the Supplier and other superior officers. Again, it may so happen that the author has either lengthened or shortened some space in the proof or has changed a type of 12 points to one of 6 point. For this sort of work the worker has generally to spend as much time as during the fresh set-up at the beginning. When the finishing time is taken down and the proof sent up, the Checker thinks that that work could not have taken four hours and might have been done in two hours only. So, two hours are deducted. But the Checker perhaps has had no experience of composing. It is difficult for those who have no experience of a certain kind of work to understand how much time would be taken by a particular piece of work (of that kind). Specially when such hour-work is given to a worker, some superior officer, the Section-holder or his assistant, generally watches him

behind and takes down the time of finishing the work. That in spite of this fact and of the knowledge that the more work will they do, the more money they will get, there is the idea that they are neglecting their work—this is due only to the reprehensible character of the piece-work system.

If all the grievances are dwelt in their details, the whole day will not suffice; so let me put some matters briefly before you.

If piece-workers turn up later than the time fixed, they are penalised for half an hour for each quarter that they are late; this means for them a double punishment. Suppose, the hour of attendance is fixed at 9, and if some one is late, through some accident, he will be panalised to late fine for half an hour. The fine will be realised from the hour-work mentioned before. Again, he is fined the wages for half an hour to be deducted from his later work for half an hour. But the half-hour by which he is late is also cut for wages, for he is a piece-worker. If any one has to absent himself for six or seven days or more, he will be fined at the rate of 2, 3, 4 and 5 annas per day; but he has no means of meeting these fines without incurring debt. Suppose, a worker is absent for six days, for which he is fined at the rate of four annas per day but he gets nothing for these 6 days. The fine will be deducted from what he will earn by his labours of the next week, is it not double punishment?

2. These workers get none of the Sundays, medical leave, privilege leave, casual leave and gazetted holidays. During these holidays they will stay at home and do nothing count the beams on the ceiling.

The office remains closed for a long time during the X'mas and the Pujah holidays. So these workers spend in one half of these months what they have earned by their hard work in the other half, and so for the upkeep of his parents, wife and children, he has to seek the help of the Kabuli. If absence is caused by his own illness, or that of some body in the family, his services will be dispensed with on account of long absence, unless he can submit a medical certificate from a qualified doctor. He may be attacked by cholera in a remote village, and for want of money, perhaps, with extreme difficulty, he gets treatment of some sort; or it may be there is no doctor in that village; but no certificate from a kaviraj or a doctor of any other kind will do. Not only owing to the attack of the disease and to get medicine and diet, has he to run into debt, and his earning in the month is nil, but he must run into further debt to procure a medical certificate. They being piece-workers, get no leave in Sundays and other holidays; but they will be dismissed if they make something by working in other presses on these holidays, because they are Government servants. You are poor, it does not matter much if you live or die, but this (working elsewhere) impairs prestige.

3. They are indeed fined in case they are absent or late; but when on coming to office, time is lost because they get no work or type, etc., they have to remain contented only with passing their hand over their belly, and pass that time, as extra, like honorary workers. After a

series of protest against such things on the 15th July, 1920, both the India and Bengal Governments notified to the effect that piece-workers sitting idle for want of work, should be paid for such time at the rate at which they are paid for working periods. This makes it clear that this grievance of piece-workers is true, and Government issued this notice as matters like this used to happen. But it is not possible that a disadvantage that has existed so long, will disappear altogether. Because, if for a piece of work the workers has to approach salaried men 10 or 12 times, he will inevitably lose an hour at the rate of 5 minutes per visit. But we have not heard of a single instance in which a worker has got the pay of those lost periods in the full one year that has passed since 1920. Making claims on the pay of lost periods can be said to be nothing but bringing charges against higher officers, and recurring the indignation of higher officers by exposing their inefficiency. Though it is true that any poor brethren are losing daily 2 to 3 hours, they cannot claim any thing, lest they should lose their employment. The workers in the India Press and the Bengal Press, though not similar, are fettered by almost similar piece-works regulations. In the last few months it even happened, that many piece compositors had to sit idle for want of work throughout the day, and return home in the evening like men on honorary work. And applying for pay for periods spent in idling, according to Government notification, Ahmed Hossain, Mohammad Junas, Babu Khan, Sheik Bakali and some others of the type Foundry Department, have lost their posts Some senior compositors, too, applying for pay for periods thus wasted, were told by the Superintendent in clear terms, that they would be paid only for work and would never be paid for sitting inactive during "idling" time. Of course, this took place in the India Branch Press. So workers of Bengal Press, in spite of their having grievances, are remaining silent over the matter. This will come out on inquiry. The following incident will make it clear how piece-workers are wholly in the grip of salaried men. I learn, that a disagreement arising between a compositor and a proof-press man of Section VIII on 27th January, 1922, the thing went up to the Superintendent for decision; the Deputy and the Overseer too were present there. It was alleged that when the compositor, finishing composing went to the Proof-man with his matter for proof-reading, the Proof-man wanted a bribe. But the compositor disagreeing, his galley was not pulled for proof and thus the hitch originated. We have got proof now that many compositors thus not agreeing to pay bribes, become loser; while some get through after being obliged to pay something. I think this can be proved true on inquiry. Thus many an unfortunate man is harassed and insulted. God only knows what decision has been finally arrived at in regard to that complaint.

4. Piece-work involves much running, walking and physical labour. So up to 30 or 35 years of age, one's income is comparatively large; but

thenceforward, it fails; and at 40 or 45, a man becomes unfit; and to live on afterwards, in this poor country of malaria and other contagious diseases, is only a torture. But to retire before one is 55 years of age, stands seriously in the way of one's getting a pension.

Moreover, press-work involves much hard labour, and a poison, named lead-poison, spreads over the whole system in such a way that not to speak of living up to 55 years, long before that (workers) are attacked with fell diseases, and become unfit for any work. On medical examination it will be found that 99 per cent. of press-workers have fallen victims to lead-poisoning and more than 90 per cent. of them have been rendered unfit. I hear, a few days ago, a doctor visited the Press, and on examination reported almost in this sense.

At the age of 40 or 50 (the worker's) income falls down; but by that time his family consisting of wife, sons and daughters, attains to big dimensions. A little thinking about his situation at this time will enable us to feel the sufferings caused by the piece-system.

In such old age, *i.e.*, at 55 years of age, the pension that is granted on a calculation of the average income of the last five years (of service) is not sufficient to meet his own boarding expenses; so, necessarily, in this old decrepit age, he has to fall back upon the practice of begging or some other occupation and continue so up to the moment of death. It has also been found that 75 per cent. of workers have departed this world just on the eve of, or by the time, pension has become due to them. It is doubtful if any of those, who have survived in broken health by this hard labour, and received that small pension, have been able to enjoy it beyond two or three years. As (these workers) have to work under many disadvantages, not even 50 per cent. of them become entitled to a pension; because, they have to become permanent.

As it is very difficult for piece-workers to be permanent, those who are working have not been able to become so even after 10, 15 or 20 years of service. On inquiry more than half (of such employees) will be found to be temporary. They do not get any leave, and for any necessary absence are marked as " irregular " and difficulties are put in their way in everything. Suppose, I get ill one year and am confined to bed for two or three months; it is true that I go unpunished on submission of a medical certificate; but in similar circumstances salaried men are allowed leave, pay for the period of leave, and also get the remark " regular." But the wheel of the fate of piece-workers revolves the other way. The piece-work system is responsible also for this.

They work from 9 A.M. to 6 P.M., but they are paid only for 8 hours because there is an interval of one hour for tiffin, but piece-workers are not paid for that one hour. For they are no men and what have they to do with tiffin? This tiffin is only for salaried men. So some will be paid for sleeping an hour, when others will go contented after doing the " honorary " work of counting the beams.

Though it is superfluous to speak of many other wants and grievances now, yet you of course understand from the above illustration that, in order to finish his work, every compositor has to work under the supervision of at least 9 or 10 officers getting fixed monthly salary. Paid men are entitled to extra allowance for doing overtime work, but nevertheless the wages of the compositors depend on their fitness and to no small degree, on the promptness and sincerity of the said paid officers. As, thanks to their system of conducting work, compositors can get a proper supply of work and materials for work, so also the officers may be forced to sit (idle) as honorary men for want of them. Two rules prevail in the same office because almost half of the employees get a monthly pay, while the other half are piece-workers. It subserves the interest of one party that time should pass while it is the interest of the other to finish work rapidly. Here lies the root of all the trouble. Every monthly paid employee gets separate wages if he works over time, that is, for extra hours. Hence it is quite natural that they should try to earn something over and above their pay by working overtime and carry the earning home. Consequently, for greater earning, they cause as much delay as they possibly can make with safety in the progress of the work that is being done during the fixed office hours. This makes it clear that, as the indifference of the paid employees to work, for satisfying their own ends, opens an avenue for extra income for one party, so also it shortens the means of income for the other. It is quite natural that in such cases a little misunderstanding will gradually arise. Though it is true that by their notification dated the 15th July, 1920, Government promised to pay wages for periods thus lost, yet in order to claim the wages for such periods it becomes necessary in many cases to bring charges of indifference, bias or selfishnes against higher officers. The chances of loss are greater than those of gain if the higher officers become displeased or angry. This has been proved true, in a similar case, from the India Branch Press. It must be admitted that it is foolishness to live in water and at the same time to quarrel with the crocodile.

As there are many blemishes in the system of piece-work and as higher officers posses undisputed authority of distributing work, it may be that they single out those items of work (which are easily done and also carry high wages) and distribute them to their favourites. Others, though labouring under difficulties and keenly feeling the disadvantages of this, get no means of remedy. Do not think that their miseries end with this little alone. There is no remedy if the Computer or Examiner (who examines the work and estimates the price) fixes the price according to his own sweet will, because in such cases nobody dares to quarrel, even if there may be downright injustice. The piece-system is alone responsible for the spread of nepotism and partiality towards the favourites by the officers at the time of the distribution of work.

Spending a long time amidst the toilsome daily duties and as a result of work without holidays, the health of 99 per cent. of men becomes shattered untimely. It is a matter of great regret that, whereas, as a result of long service, the pay of paid men increases as their age advances, the income of the unfortunate piece-workers gradually decreases as a result of advanced age, physical weakness and consequent inability to do sufficient work. At the time when the expenses of their family increase and their pension depends on their income, their income decreases very much. The work of the printing department is so very onerous and over and above, the system of rest or holiday being unknown, they have to undergo no end of suffering in their lives. It will not be out of place to mention here that the two sahibs, Messrs. Deane and Lewis, introduced the piece-work system in 1875. When they first introduced this piece-work system of their country, the employees strongly protested against it and many even went on strike. The higher officers summoned each one of them, tempted them in many ways and showing the way of gain, told them to work for some time and promised to abolish the system if they found it inconvenient. Consequently, everybody agreed to it especially as deduction for blanks, pie-picking, the annoyance caused by checkers and other impediments, which have at present become the causes of want and grievance did not then stand in the way. Then as the grievances began to appear gradually and new rules began to be introduced, the employees became excited and the strike in 1905 occurred. At the time of this strike the separation of the post of Section-holder, etc., the declaration of Headmen as monthly-paid servants, the remedying of certain other inconveniences and the promise to do so (with yet others) brought the strike to an end. It has been noticed that whenever a strike has occurred, the authorities have decreased the rigour of certain wants and grievances and offered certain new advantages. But these do not continue to the end and then again, like the tightening of the reins of a horse, they become gradually severe and many such wants and grievances remain, as the employees cannot publicly express them and so conceal their sorrows within their hearts. This is true, but where will the accumulated gas go? It bursts out at the proper hour, that is, strikes are brought into being. So again from 1919 to June, 1920, the employees made various petitions beginning from the higher officers up to the Viceroy, to make them fixed paid servants, with a view to have their wants and grievances redressed, and being disappointed, they at least resorted to a strike. What is the reason that prompted these poor employees, nearly 10 to 15 thousand men, of Government printing establishment at Calcutta, Simla, Delhi, Patna, Bombay, etc., to go on strike and remain idle for two or three months and resort to begging for their livelihood? Knowing that the introduction of the pay system will make them get less, in their early life than their income under the piece-work system why do the employees

want it? If none of all these men wants this system, we fail to understand the reason of Government's keeping it up by force. When the strike in 1920 occurred, the Hon'ble Sir Surendra Nath Banerjea on hearing of the wants and grievances of the strikers, strongly protested against them, discussed the subject with Mr. A. C. Chatterji sitting in the *Bengalee* office of his own and Mr. Chatterji promised to consult with Sir Thomas Holland regarding the matter. Then at the spring sitting of the Council of State, when Mr. G. S. Khaparde started a strong agitation in the matter, Sir Surendra Nath Banerjea sided with him, pointed out that those men never got any leave or off-day and criticised the system. Who knows whether or not he will to-day advise the Government of Bengal for the sake of justice? I hope that he will certainly make arrangements for what he has understood to be unjust but really true. Government often say that if the pay system be introduced, regular work will not be done and they will be the losers. But let me ask how it is that the employees of Government, merchant and private presses, such as, the Private Secretary's Press, the Police Commissioner's Press, the Darjeeling Press, the C. I. D. Press, the Presses of the *Englishman*, the *Statesman* and of Messrs. Newman & Co., etc., get fixed pay and their number in each Press is almost four or five or six hundred. Still they make profits each month, after deducting the expenses. Especially Messrs. Jal Chand and Sons take contract work from Government Press and make profits in spite of retaining two or three thousand men under them on fixed pay. Government alone become losers when they are asked to pay poor men! In every act performed by them, we have been noticing the partiality of Government as between the rich and the poor.

These piece-workers could not manage their affairs with what they earned even when they worked from 10 to 5, for their wages were fixed with a view to the prices of things in the year 1875. The percentage of increase in the prices of things since 1875 A. D. can be determined by calculation. However, when during the last war, the salaries of employees were increased on all sides, the salaries of these men also were increased by 25 per cent. It is certainly true that when these men could not manage even with this, that salaries were increased by 40 per cent., but the hours of work were changed from 7 hours, from 10 A.M. to 5 P.M., to 9 hours from 9 A.M. to 6 P.M. In other words, while formerly they got wages for a day and a half by working 9 hours, they now get wages for one day only for 9 hours. In that case the increase of 40 per cent. is accounted for by the (increase of) time. Viewed justly, these men have got no increase whatever. It is certainly true that in our country the sufferings of many cows and goats are alleviated by the Society for Prevention of Cruelty to Animals, but no means has been adopted for the alleviation of the sufferings of these unfortunate labourers. If any means is discovered at all, it gradually becomes something like the (story of the) " Distribution of cakes by the monkeys."

These labourers work hard to the point of death till the sweat of their heads falls to their feet, and the blood of their body is turned into water, they do not pay any heed to that—they do not want salaries of one or two thousand rupees a month, they do not want carriages and horses, or they do not want two-storeyed houses to live in—they only want to preserve their self-respect by filling their bellies, by eating two handfulls and wearing one piece of course cloth, along with their sons, daughters, wives, mothers and fathers. But the higher authorities show niggardliness even in these trifling matters. In the course of the last five years, the prices of things have gone up at least by 300 per cent., but what in proportion to this has been the percentage of increase in the wages of these men? What little there has been is only a trifle. But look up and see how much oil is being poured upon heads which are already oily. In order to allow those who are getting salaries of one thousand a month to keep up their prestige somehow on account of higher prices of things, their salaries have been increased by two, four or five hundred rupees. On the other hand, there was an increase of only two or or four rupees upon the Rs. 20 of the wages of those men who really work hard and whose blood is turned into water in attempting to increase that amount. It is because of such acts of injustice that there have occurred and are still occurring such frequent strikes in Bengal and for these reasons there may begin, in the near future, strikes, in the flame of which not only the whole of Bengal, but the whole of India will be burnt to destruction.

I therefore earnestly pray that Government in recognition of these cricumstances form a committee to solve these matters satisfactorily.

MEMBER in charge of DEPARTMENT of FINANCE (the Hon'ble Mr. Kerr): I rise to a point of order. As far as I can gather, the speaker is discussing the Government of India Press. He has already exceeded the time-limit; so I would suggest that he should confine his remarks to the Government of Bengal Press.

The DEPUTY-PRESIDENT: The extra five minutes that I gave you have been exceeded; I am afraid you cannot continue further.

Mr. F. A. LARMOUR: I regret I am unable to follow the previous speaker on the niceties and arguments which he has used, and I am afraid that he may not be able to follow me. He has spoken in the interest of a single industry only. I speak as one who has been amidst labour and who has been a large employer of labour for close upon half a century. I have come to the conclusion that daily labour is neither in the interest of the employer nor the employee. I propose to give you a few instances where it has come vividly to my notice. In one particular case, in my own business, there were some men who were paid by the

month. Their salary was Rs. 18 per month and it was with the greatest difficulty and by constant driving that we got eighteen rupees' worth of work out of them; they were often idle. The point became somewhat acute and we had a friendly discussion with these workmen. All, in one accord, asked to be placed on piecework and to be paid a certain sum per article they completed. We agreed to that. Let me tell you that in the first week of the introduction of this system in that particular workshop each one of these men earned in the course of a week more than they earned in any month for three years previously. As I have said, I do not understand the intricacies of the printing business, but I am convinced of this, that where industrial men put their heads together, go to their employers, discuss knotty questions they can come to agreements, it is always better for both the parties that it should be piecework. Again, only the other day, I should say before the last Durga Pujah holidays there were some workmen in my employ, a small gang of ten in number, who altogether took away Rs. 400 for ten days work; that is to say, each one of these men earned no less than Rs. 4 per head per day. Such a thing, Sir, is impossible in day labour. We have many of our workmen who are paid daily wages coming to us and asking us to re-organise the system and place them on contract work and abolish day labour as far as possible. You can easily see that in many industrial businesses, this is impossible. There must be a certain amount of day labour, but we find that it requires a good deal more supervision. The men are not punctual at their work. Those who work by contract are always present before their hour and work hard all day. The day labourer comes as near to the time-limit as possible. He generally comes just a little late, but since the introduction of small fines for late hours, it has, to a certain extent, stopped. For absence, the day labourer wants to be paid, especially on the occasion of a death, funeral, sickness, or marriage in his family. He demands and expects to be paid for all holidays. The contract man has none of these advantages. He has to work to earn his living and take what he can earn by piece labour. I know of another instance where a workman in Calcutta was drawing annas ten a day. It was not enough but he was never absent and worked well; as a reward his employer put him up to annas twelve a day. The second month after his pay was increased he was absent four days in the month. Owing to the increased cost of food-grains, cloth, etc., his pay was put up to Re. 1 per day but he was then absent six days in the month. That man at the present moment is drawing Re. 1-2-0 and he is invariably absent seven or eight days in the month. To his employer this is proof positive that when he was paying that man only ten annas a day, it was sufficient for his wants, and that the day labourer only wants sufficient to keep him going; if he can earn enough in 4 days to carry him along for six days he will absent for two days: he has no idea of saving money, and that, in itself, is one of the reasons why I say that contract work is better for the employee.

We can take any industry in this great city. Take, for instance, the loading of ships with coal. If you paid by day labour, it would perhaps take you a month to get your ship away. If you pay a certain sum per ton for putting the coal on board the ship, whatever the increase in the rate may be, they would put that coal in, in the quickest possible time, and earn the most they could and then enjoy a little leisure and have sufficient money in hand to wait for the next job to come along. It is not a question of doing as little work and drawing as much pay as possible. Contract men seldom, if ever, come to us—and I have taken the trouble to inquire from other industries in Calcutta—with medical certificates for which they have no use whatever. But the day labourer is constantly producing medical certificates. Common humanity prompts an employer, where he is satisfied that the man is really ill, to give him an allowance during his illness and this point has been brought to my notice as well as to others, and I have given such men allowances when I knew that they were really ill. But there are people who also expect to get allowances; men who have gone to their villages on leave often send certificates that they were ill and will join their employment after one week, yet the next day you may see one of those men strolling along Chowringhee Road, Dhurrumtollah, or probably by your own door. It means but one thing: that the man has some temporary employment, and he is earning more money outside than he receives from his employer year in and year out, and so is letting down his employer for the sake of putting a little extra money in his own pocket. I do not speak from hearsay; I can give you living instances in which this is occurring. I can give you cases in Calcutta at the present time, and this is one of my reasons why I say, as one of my men once told me, "daily work never pays the master." It is not only in India but all over the world. Daily work is not good for either employer or employee. It is only a means of getting as much as a man can, and giving as little as possible. There are certainly, I grant you, exceptions to be taken: old age, for instance. A man who is going down-hill in the sere and yellow leaf of life, cannot be expected to have the same energy in him as the younger men who are employed with him; but here again, comes the question of daily labour. A daily labourer, I have never yet known make any provision for his future, but depends on the chapter of accidents as to whether he will die a beggar, or whether he will die living on others, or whether he will continue to work on till he dies. Men who have to earn their living by contract work are invariably more provident; they put by a little money, either buy land or house; I can give you two or three instances when these men have been to their employers and have consulted them as to the advisability of buying 6 per cent. Government paper, and whether the employer thought that a safe investment, and whether he himself had invested any of his own money in the 6 per cent. An employee of my own produced Rs. 1,000 only last month and told me he had saved that money during the last 15 months from

his labours. These are only a few reasons. I can go on *ad infinitum* giving the reasons why I advocate the contract system of work in preference to daily labour. I know this, that there are, as the last speaker said, intricacies in the printing department, but if you reduced everything to daily work, what will happen? The compositor will make the greatest number of mistakes possible, so that it will take a much longer time for these papers to come back to him, and he will be sitting idle amusing himself till they come back. I cannot advise much on this matter, but I think that the mover of the resolution and others interested might meet together and settle points between them.

Rai HARENDRANATH CHAUDHURI: After the unfortunate story that has been unfolded by my friend Babu Hem Chandra Bhattacharji regarding the difficulties under which the piece-workers labour and the hard rules under which they have got to work, I think I should support his resolution. If what Mr. Larmour says be true, and if it be really a profitable system of work as he says—if it be really a system which yields the best income for the least work, then, am I to understand that a representative of the workers is asking, by the abolition of this system, for a further reduction in the uncertain income of the piece-workers? Certainly, I cannot believe that my friend, Mr. Bhattacharji is going against the very interests which he represents.

Moreover, I cannot understand what harm there can be in referring the matter to a Committee. If the Committee approves of the abolition of the system, then and then only, the system will go, otherwise not. I, therefore, support the alternative resolution of Babu Hem Chandra Bhattacharji, *viz.*, the resolution to refer the matter to a mixed committee.

Mr. KRISHNA CHANDRA RAY CHAUDHURI: Last year we had this very thing discussed at length and the same arguments brought forward now were advanced then. It was explained by my friend Babu Hem Chandra Bhattacharji that something new has happened since he last spoke on the subject, and I now find that there is a general outcry in Calcutta and other places where there are Government presses against this system, and the fact is that the workers are not so much adverse to the system of piece-work itself, as to the time that lapses by the delinquency on the part of the salaried supervisors. That is the crux of the whole situation. These supervisors do not exert themselves to see that these poor piece-workers get their pay as soon as possible. I mentioned this matter to Mr. Kerr and asked him to make a departmental inquiry and punish those who have been neglecting their duty—in exploitation of cheap labour in the Bengal Secretariat Press. We know all the world over this system was recognised as the system in the industrial world as being the cheapest for the employer, but since then a more humanitarian spirit has more or less been introduced into the piece-system. The idea of the piece-work system in those days in Europe

and America was something like get out as much milk from the cow with the worker and to feed the cow so long as it milked, and then to send it to the *pinjrapole*. Now they have a more humanitarian spirit. They have shortened the number of hours; have reduced it to 52, have introduced a better bonus system and the rest of it. I would like to impress it on Mr. Kerr that in view of this new system introduced all the world over, labourers have been working under better conditions, and I would like this humanitarian treatment meted out to them as regards wages and working hours. We have heard Mr.Bhattacharji's complaint about the medical certificates always demanded from the men when they are ill or their relatives are ill. This question of leave has been the chief cause of the recent strikes. Refusal of leave was the cause of the fourteen days' strike on the East Indian Railway recently; simple provision ought to be made for granting leave to workers when such leave is absolutely essential. Workers must not be thought liars and medical certificates should not be insisted upon on every application for leave. Such cases should be gone into and every man coming and asking for leave should be granted leave if it is found necessary.

I think if Mr. Kerr promises to modify the system so far as the supervision of salaried men and other things such as leave is concerned there would be no necessity to press this resolution; a fresh departmental inquiry by Mr. Kerr would be more effectual.

At this stage the Council was adjourned for 15 minutes.

After the adjournment.

Babu INDU BHUSHAN DUTTA: I beg to support the resolution that has been so ably moved by my friend Babu Hem Chandra Bhattacharji. The matter has been fully discussed in this Council before and he has given very lucid arguments in favour of his resolution, so I need not go into details. I would only like to point out to the Council and the Hon'ble Member in charge, certain facts which have been brought to my notice. It seems that in almost all printing presses, both private and mercantile, in Calcutta, the piece-work system is not in vogue; the employees are hired on fixed pay. Even in a firm like that of Messrs. Lal Chand & Sons, employees are on fixed pay; that shows that it is more economical than the system adopted by Government. It seems that in Bengal, in the Private Secretary's printing Press, the Police Commissioner's Press, the Calcutta C.I.D. Press, the Museum Press, the Darjeeling Secretariat Press, the piece-system is not in vogue. If all these establishments can be run economically and efficiently on a system which has been tried in almost all private presses, I do not see why the Government of Bengal alone should continue a system which has been complained against by almost all the workers under that system. It seems to me that this one of the systems of work which have a chance of degenerating the labourer, against which all labour movements of the world have been crying so much lately. As a committee has been appointed by the Government of India to look into this matter, I suggest that the

Bengal Government should consider this matter sympathetically and see that the grievances of these workers are removed as soon as possible.

The Hon'ble Mr. KERR: When this question was before the Council last April, it could not be brought up for final decision, because the time for moving resolutions had expired. But I received a deputation of the members of this Council, of whom you, Sir, were one, who were impressed by the arguments which had been brought forward in the course of the debate and who wanted to satisfy themselves as to the state of affairs in the press; Mr. Marr and I took these members round the press, and I think we satisfied them that this piece-work was the only system which could be adopted. The small presses referred to by Mr. Indu Bhushan Dutta, the Private Secretary's Press, the Commissioner of Police's Press and so on, are on all entirely different footing. There are at most half a dozen compositors in these presses, work comes in irregularly and varies from time to time, and it would not be possible to pay on any system of piece-work. But in the Government press there are nearly 300 compositors, and I think the deputation, which came round the press with me last April, were convinced that no other system could be adopted. The work of a compositor in the press is of a niggling and tiresome description. I am sure that any one of us working as a compositor would find it difficult to do justice to our employers unless we had the direct incentive of piece-work to make us work. This system prevails in many of the skilled trades in England and it is in fact preferred by the workers to a system of daily wages for the reasons which Mr. Larmour has so clearly explained. In presses in England, I think piece-work is universal, and as a matter of fact the piece-rates in Calcutta, which have been prepared by Mr. Norton, are based on the latest schedules of piece-rates in force in London. If this piece-work were abolished, the men could not be paid salaries equal to their present rates of pay, and it is noteworthy that this demand for the abolition of the piece-system does not come from the men themselves. It comes from Babu Hem Chandra Bhattacharji, who is a well known opponent of piece-work and from certain persons associated with him in very laudable endeavours to improve the conditions of work in Government and private presses in Calcutta. The demand for the abolition of piece-work does not certainly at the present moment come from the men themselves, and for very good reasons; the men know perfectly well that if this system of piece-work were changed into a system of daily or monthly pay, they would earn a good deal less than they do at present; the output of work would undoubtedly be very much less than at present, and consequently Government would have to employ more men and pay each individual less than they do at present. The printing charges of the local Government would be increased under that system, because, if you introduce daily or monthly wages, you will have to make provision for more supervision than is necessary now, when it is to the interest of each man to put in as much work as he can. The size of the press would also have

to be increased owing to the necessity of employing more men, and the abolition of the piece-system would only result in injury to the present hands and increased expense to Government. These are the general objections to the abolition of piece-work. I do not deny that there are certain defects in working piece-work in a large establishment side by side with salaried hands. Some of these defects Babu Hem Chandra Bhattacharji has dealt with, and I shall have something to say about them later, but the deputation which met last April went very thoroughly with me into the grievances which existed among the piece-workers at that time. These grievances we found were four in number. The first was that the piece-worker could never take any holidays on any sort of pay; if they had to take holidays for medical or family reasons or any other reasons, they had to go without pay. We were impressed by the hardship which this caused to the piece-workers especially when they fall ill. We addressed the Government of India on the subject; we admitted that the piece-worker's pay is so calculated as to give him a living wage, and to allow him to take a certain number of days off in the year; as a matter of fact piece-workers do take a considerable number of days off, but we urged upon the Government of India that it was hard on them if their pay was entirely stopped during a period when they were unable to work through no fault of their own. So we recommended that they should be given a certain amount of leave on medical certificate on average pay; the Government of India not only sanctioned this proposal but have gone further and suggest that these piece-workers should be entitled to 16 days' leave on average pay in each year for any reason whatsoever. That system we propose to introduce in our press with effect from the beginning of the next financial year. That disposes of one of the grievances which were put before us last April, and disposes of it in a manner which is more liberal than the demand of the piece-workers.

The second grievance was in regard to the counting of service for pension. There are at present some rather complicated rules in force as to the conditions under which temporary service in the press may eventually count for pension. We recommended to the Government of India certain improvements in these terms; we have just had a reply which does not sanction our proposals in full. I have not had time to go into the matter yet, but Mr. Norton tells me that he is strongly of opinion that the Government of India's proposals do not meet the case and that we shall have to go up again and represent to them the hardship caused if our original proposals are not sanctioned. I propose to go into that matter as soon as I can get leisure, and if we find that Mr. Norton's contention is correct, we shall again move the Government of India to sanction more liberal terms.

Then as regards the question of the average earnings to be taken into calculation in arriving at the pension of piece-workers, the Council probably know that in the case of ordinary servants of Government their

pension is half the average salary of the three years preceding their retirement. It has been represented that as regards the piece-workers this system does not work fairly because a man efficient at his work in earlier years falls off during his later years. A man of 50 is not so skilful as a younger man; his fingers get stiff: get rheumatic and so on, and his work suffers. In order to obviate any hardship in this respect, the rules already lay down that the pension of a press piece-worker shall be calculated on his average earnings for the last 6 years of service. Some people represented that this was not enough and asked that we should calculate it for on a ten years average. We have gone into that matter also and figures have been drawn up, but according to the figures it seems that they would get less pension than they do at present. It seems to be established that a man's efficiency does not begin to be impaired seriously on the average until after he attains the age of 50. Consequently if our calculations are correct the present rules for calculating pensions are as suitable as any that could be devised.

Then, the fourth grievance which was brought to our notice last April related to certain technical details connected with the method of computing piece-work rates for tabular work and for reprints. Mr. Norton went into this matter and obtained the sanction of the Government to revise the rates in order to meet the grievances that were put forward. He reports, writing on the 14th January:—"I have received no complaints whatever from my men regarding the piece-system since the new piece-rates were introduced last year." Now, that is a point which, I think, the Council will do well to consider very carefully. The Superintendent, Mr. Norton, who is well known for his devotion to the men and who, I may say, is persistent in pressing their interests, says that he has had no complaints at all from the men since we went into this matter in April last. Babu Hem Chandra Bhattacharji tells us that there are grievances, but he brought in towards the end of his speech a large number of points which do not concern the Bengal Government Press in the very least. He was dealing, I think, with the Government of India Press in Calcutta. I may, however, tell the Council that the Government of India Press is entirely different from our press in Writers' Buildings. The Government of India Press in Calcutta is used, I believe, entirely for big jobs like the printing of reports and proceedings and the like which can be carried out in a fairly leisurely manner and about which there is no hurry. I can quite imagine that in a press of that kind there may be some defect in the arrangements under which the piece-workers do not get sufficient work for some reason or other to keep them fully employed. But I can assure this Council and I think those members who inspected the Press last year will bear me out, when I say, that nothing of that kind happens in our Press in Writers' Buildings. The men in our Press are, if anything, over worked, there is congestion in our Press and no room for expansion and we shall not get matters right

till we move to Chetla. But I may tell the Council that the Press has to work up to the utmost limit of its capacity to get through the current work of the Bengal Government, and that work has of course been greatly increased since the Reformed Council was inaugurated, which meets with such frequency and holds such long sittings. I can, confidently say that I should be very much surprised to find that any compositor complains of not getting enough work. I do not say that there is no ground for complaint in other matters as there must necessarily be complaints in all human institutions where work has to be distributed in a way which may benefit one man to a greater extent than another. There is always occasion for friction and personal favouritism in connection with such arrangements. But our Press is not a large press, it is a compact press; and Mr. Norton and his assistants are constantly moving about among the men and they have only to complain to Mr. Norton about any grievance of this kind to have it looked into straightaway.

Babu Hem Chandra Bhattacharji has brought up a new point to-night which I have not heard before. I think he said that there was sometimes a delay of two or three months in the payment of wages to these piece-workers and compositors. I must say that I have not heard of it before and it has not been brought up in the voluminous papers I have got here regarding previous inquiries into the Press. I am, however, certainly prepared to look into this matter and if there is any substance in the complaint I shall put things right, for there can be no good reason for delay in paying the men on piece-rates and I shall take such action as will ensure punctuality in future.

As regards what Babu Hem Chandra Bhattacharji has said about the ill-health of the men who work in the Press, I am sorry that there is some foundation for that. I told the Council last year when it voted the grant for a new press building at Chetla in what a lamentable state the press buildings in Writers' Buildings and in Sealdah are. We have done our best to improve matters but I think that everybody will admit that the buildings are not suitable for a press under modern conditions. We shall not be able to put things on an entirely satisfactory footing until we go into our new Press buildings at Chetla, which we hope to do in a few months' time.

Then, a reference has been made to the fact that the Government of India have appointed a committee to go into the affairs of their Press; and we have been asked to take similar action. I would point out that there are two alternatives in the resolution that has been moved to-night. One is that the piece-work system in the Printing Department of the Government of Bengal be discontinued; and the other is that a mixed committee be appointed to report on the possibility of abolishing the existing system of piece-work; that is to say, both these alternatives ask us to consider the abolition of the piece-work system. I have already explained why Government is not prepared to do that; and I would also

point out that the Government of India Committee have nothing to do with the question of abolishing the piece-work system. The committee are considering the grievances of the employees of the Government of India Press on the piece-system and the means of remedying them. Mr. Lindsay, when dealing with the matter in the Council of State, made it quite clear that the Government of India were not prepared to consider the question of abolishing the piece-work system.

As I have said, we have not heard since April last that our men have any serious grievance apart from the day to day grievances with which the Superintendent is quite capable of dealing and as a matter of fact does deal. We went into the grievances that were put forward last April and at the present moment, I am not aware of any grievances in our Press apart from that which Babu Hem Chandra Bhattacharji has mentioned to-night relating to the delay in the payment of wages to piece-workers, and as I have already said, I shall look into that. But it is not a matter in which a committee would be of any use. There is already the Government of India Committee inquiring into the affairs of their Press and when their report is published, we shall no doubt find it useful and interesting, although, as I have said, the Government of India Press in Calcutta is on a very different footing from that of our Press. Still we shall, no doubt find something useful in the Government of India Committee's report, when it is published. What we propose to do now is to wait for the issue of the Report before we make any further general changes in our Press; at the same time, we shall always be prepared to look into any grievances of the piece-workers that any one may bring to our notice and we shall be prepared to take action on any definite matter that any member of this Council may lay before us in connection with our Press. I would, however, suggest that the members who are interested in the piece-workers should advise them, in the first instance, to lay any grievance that they may have before Mr. Norton, the Superintendent, who will, I have no doubt, deal with them in a sympathetic spirit and I submit that that is the proper action for these people to take in the first instance.

Babu Hem Chandra Bhattacharji spoke in Bengali. An English translation of his speech is printed below:—

The Hon'ble Mr. Kerr has said that there are three or four men in the Private Secretary's Press, and more in the Bengal Secretariat Press; but there are, perhaps, more workers in the Thacker, Caledonian, the *Statesman*, the *Englishman* and the *Edinburgh* Printing Presses and they are all salaried men.

"Many press-workers prefer piece-work," I do not know how much of truth there is in this statement. If at least 25 men from any private, merchant or Government press say that this piece-work system is good, I shall forthwith change my views; for I know, no one of them, to represent whom I am here, want the piece-work system.

It is not that the grievances I have spoken of, exist only in the India Government Press; workers in the Bengal Press too are labouring under the same disadvantages.

In view of the fact that an Inquiry Committee has been appointed by the India Government, I do not want a second committee. But then, as the Hon'ble Mr. Kerr has said that he would inquire into and try to remedy the wants and grievances of piece-workers in concert with (1) Mr. F. A. Larmour, (2) Mr. Krishna Chunder Rai Chaudhuri, (3) Mr. Indu Bhushan Dutta, (4) Rai Harendranath Chaudhuri and myself, I am ready to wait and see the results of this inquiry and the remedies, and am ready to withdraw my motion.

The Hon'ble Mr. KERR: I have no objection to meeting these gentlemen to discuss matters, but as to appointing a committee, I should like to know what the committee are expected to inquire into. At the same time I wish to make it clear that we are not prepared to abolish the piece-work system under any circumstances; although we are always prepared to look into any grievances or alleged grievances of the men.

The DEPUTY-PRESIDENT: Is the mover prepared to withdraw the resolution?

The mover expressed his willingness to withdraw.

The motion was then, by leave of the Council, withdrawn.

The DEPUTY-PRESIDENT: As Babu Fanindralal De is absent the following resolution standing in his name falls through:—

Dacca and Hill allowances.

"This Council recommends to the Government that the Dacca and Hill allowances be hereafter placed under separate headings in the budget."

Adjournment.

The DEPUTY-PRESIDENT: I may inform the members that I propose to adjourn the House a little before time, as the movers of the resolutions on the subject of the withdrawal of certain notifications have asked that the debate on these resolutions be postponed till to-morrow. The Hon'ble Member in charge of the Political Department is willing to agree to this arrangement as it would be inconvenient to disturb the order of ballot. As I understand that many members of Council wish to come fresh to the debate on this group of resolutions, I should like to take the sense of the House whether they have any objection to adjourning the House now (6-30 P.M.).

There being no objection to this course, the Council was adjourned till Tuesday, the 31st January, at 3 P.M. at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

The Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 31st January, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 101 nominated and elected members.

Starred Questions

(to which oral answers were given).

Conference to consider the proposed amendment of the Calcutta Municipal Act.

*XIV. **Maulvi YAKUINUDDIN AHMED:** (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state whether the proceedings of the Conference at their meetings of the 8th and 11th March, 1921, referred to at page 3 of his speech on the Calcutta Municipal Bill, were taken down in writing?

(*b*) Will the Hon'ble the Minister be pleased to state the names of the members representing the different sections of the community, who were present at those meetings?

(*c*) Will the Hon'ble the Minister be pleased to state—

(*i*) whether the question of the representation of the Muhammadan community on the Calcutta municipality formed the subject of discussion on the abovementioned dates; and

(*ii*) whether the majority of the members of the Conference decided by a majority to give the Muhammadans separate electorates or separate representation on the Calcutta municipality?

(*d*) Is the Hon'ble the Minister considering the desirability of laying on the table the written proceedings of the meetings of the Conference on the 8th and 11th March last?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) Yes.

(*b*) The names of the members who were present appear from the printed proceedings, a copy of which is laid on the table.

(*i*) Yes.

(*ii*) Six were in favour of separate communal representation and five were against it. Mr. Syed Erfan Ali, M.L.C., who joined the Conference later, expressed himself in favour of a mixed electorate. The numbers *pro* and *con* were, therefore, equal.

(*d*) The proceedings are laid on the library table.

Unstarred Questions

(answers to which were laid on the table).

Subordinate Civil Service.

115. Mr. D. J. COHEN: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state whether it is a fact that the Subordinate Civil Service Association has submitted to Government a set of resolutions declaring the new scale of pay sanctioned by Government to be inadequate, and praying for revision of the scale?

(*b*) If so, will the Hon'ble the Member be pleased to lay on the table a copy of the resolutions mentioned above?

(*c*) Have the Government considered the resolutions and, if so, will the Hon'ble the Member be pleased to state the decisions in the matter, resolution by resolution?

(*d*) Is the Hon'ble the Member aware that in Bihar and Orissa retrospective effect from 1st March, 1920, has been sanctioned for the Subordinate Civil Service men in granting increased salary to them?

(*e*) If so, will the Hon'ble the Member be pleased to state the grounds for this differential treatment to the members of the Subordinate Civil Service in Bengal?

(*f*) Is the Hon'ble the Member aware that a biennial increment of Rs. 20 has been granted to the Sub-deputy Collectors in Assam?

(*g*) Will the Hon'ble the Member be pleased to state whether the orders of the Government of India as regards retrospective pay were definite for this province or the matter was left to the local Government for their final decision?

(*h*) Will the Hon'ble the Member be pleased to state what decision has been arrived at by Government regarding the increase of cadre of the Bengal Civil Service (Executive Branch), as indicated in Government Resolution No. 1646A.D., dated 21st June, 1920?

(*i*) If no such decision has been arrived at, will the Hon'ble the Member be pleased to state whether there is any likelihood of considering this matter soon?

(*j*) Are the Government considering the desirability of filling up such increase of cadre wholly from the ranks of the Subordinate Civil Service?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) Yes.

(*b*) A copy is laid on the Library table.

(*c*) In the most part the resolutions raise questions that have already been fully considered, but no final reply has yet been sent to the Association.

(*d*) Government have no information.

(*e*) The decision of Government in the matter is based solely on circumstances in Bengal.

(*f*) Government have no information.

(*g*) The decision rests with the local Government, but the Secretary of State's sanction would have been required had this Government decided to give retrospective effect before the 1st April, 1921.

(*h*) No decision has yet been arrived at.

(*i*) The question will be further considered on receipt of the report of the committee appointed to consider the separation of the judicial and executive functions.

(*j*) The question will be considered should it be decided to increase the cadre substantially.

Karamzal forest in Khulna.

116. Babu HEM CHANDRA NASKER: Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state whether the Government are considering the desirability of leasing out the "Karamzal" forest in the district of Khulna for agricultural purposes?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The reply is in the negative.

Slaughter of cows, buffaloes, etc.

117. Rai LALIT MOHAN SINGH ROY Bahadur: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state—

(*i*) how many slaughter-houses there are in Bengal; where they are located, and how they are controlled and supervised;

(*ii*) how many cows, buffaloes, sheep, goats, calves, heifers and other animals were slaughtered during the last three years in each of the slaughter-houses; and

(*iii*) whether the animals are properly examined before they are slaughtered?

(*b*) Is the Hon'ble the Minister aware of a feeling that exists that slaughter-houses affect the public health of the municipalities or corporations in which they are located?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The member is referred to the reply given at the meeting held on the 17th January, 1922, to a similar question asked by Babu Amulya Dhone Addy. No accurate statistics regarding sheep, goats, etc. slaughtered in various slaughter-houses are available.

In Calcutta, a careful examination is made of animals before slaughter and a similar, though less perfect, system of examination exists in some of the larger mufassal municipalities. Government understand, however, that in many small municipalities, this matter receives insufficient attention.

(*b*) The Minister is not aware of the existence of any such feeling; it is, however, obvious that a slaughter-house constructed or conducted on insanitary lines must be a serious nuisance and a menace to the public health.

Resolutions

(under the rules for the discussion of matters of general public interest).

Release of political prisoners.

Professor S. C. MUKHERJI: I move that "this Council recommends to the Government that the notifications of the Government of Bengal for applying the Criminal Law Amendment Act, 1908, as amended by the Devolution Act, 1920, and the Prevention of Seditious Meetings Act, 1911, be withdrawn and that persons sentenced under these two Acts be immediately released."

I move this resolution on the following grounds:—

(*i*) That the Criminal Law Amendment Act and the Seditious Meetings Act were meant to deal with a political situation different from the one with which we are confronted at the present time.

(*ii*) That the adoption of these repressive measures has given a fresh impetus to non-co-operation. The present policy of the Government has greatly strengthened the hands of the non-co-operators who have taken up their campaign with redoubled vigour and zeal which may lead the country to a state of chaos and disorder which one shudders to think of.

(*iii*) The present policy of Government, as reflected in the adoption of repressive measures, has to a great extent alienated the sympathy and support of a large section of the people of the country who are known for their sanity and sobriety of judgment and who are the most keenly anxious to co-operate with Government to the very best of their ability and whose help is of immense value to the Government at a critical juncture

like this. Further the present policy has greatly contributed towards the creation of an atmosphere not very congenial to the successful working of the present Reform scheme.

I shall now very briefly dilate on these three points. In order to give this Council an idea of the character of the political situation that called forth the Criminal Law Amendment Act, the following observations made by Sir Harvey Adamson in introducing the Bill in the Imperial Legislative Council will not be out of place:

He said:—

I will endeavour to explain as fully and as clearly as I can, the considerations which have influenced the Government in bringing forward this measure.

The following are some of the more prominent instances of anarchical crimes which have occurred in Bengal and Eastern Bengal during the past year. On the 6th December, 1907, an attempt was made to assassinate the Lieutenant-Governor of Bengal by means of a bomb exploded under his train near Midnapore. Two other abortive attempts of a similar nature on Sir Andrew Fraser's life had already been made on the railway line near Chandernagore. On 23rd December, 1907, Mr. Allen, the District Magistrate of Dacca, was shot with revolver at Goalundo. On 4th March, 1908, Mr. Higginbotham of the Church Missionary Society was shot near his house at Kushtia. On 11th April an attempt was made to assassinate the Mayor of Chandernagore by a bomb. On the 30th April a bomb intended for Mr. Kingsford, who had been Presidency Magistrate at Calcutta, was thrown into a carriage at Muzaffarpur and killed Mrs and Miss Kennedy. On 2nd May the Manicktolla bomb conspiracy was brought to light. On 2nd June a serious dacoity was committed near Nawabganj in Dacca district by a large band armed with guns and revolvers, in which two persons were killed. On 21st June a bomb was thrown into a railway carriage at Kankianara and injured an English gentleman, and there have been several similar attempts in the same neighbourhood On the 31st August, an approver in the Manicktolla case, which is under trial at Alipore, was murdered by a revolver. On 17th September, a serious dacoity was committed at Serampore. On 20th and 30th October similar dacoities were committed in Malda and Faridpur districts. Only a few days ago followed a dacoity of the gravest nature in Raita. There is ample reason for believing that all of the dacoities which I have mentioned were committed by young men of the middle classes. On 23rd September, a young man was convicted of sending a bomb by post to the Magistrate of Nadia. On the 7th November the fourth attempt was made to assassinate the Lieutenant-Governor of Bengal, on this occasion with a revolver. On 9th November, the Native Sub-Inspector of Police, who had arrested one of the Muzaffarpur murderers, was shot dead in the streets of Calcutta. On 13th November the principal witness in a case against the head of an association called the Anusilan Samiti was murdered and decapitated near Dacca.

Those are examples of the type of anarchical crime that has been prevalent.

Speaking of the disloyal associations contemplated in Part II of the Act with which we are concerned at present, Sir Harvey Adamson gave an extract from a note written by an elderly Indian gentleman whose home was in Eastern Bengal and who had had exceptional opportunities of judging the conditions prevailing among the people in the mufassal as well as in the district towns. That extract is as follows:—

They are in fact the terror of the country. They have taken to dacoities, thefts and robberies, they set fire to houses, they kidnap boys, they commit murders, and in fact there is nothing in the list of crimes they would be ashamed of, if thereby

they could serve what they call their cause, that is, salvation of India and the destruction of the foreign Feringhee Government. They have their *akharas* and public or private meeting places in every town, where they meet to learn playing with *lathis* or daggers. They have secret places where they practise shooting with pistols or revolvers, and they have *chelas* or disciples in almost every village in the interior of the country. These are the men who have now become the practical masters of the situation. Village men, rich or poor, submit to their dictum in ninety cases out of a hundred, simply from fear. Shop-keepers act up to their instructions because they know that disobedience will bring upon them disastrous consequences. Even the women of the village, cultured ladies and the illiterate maids and matrons, ask them what cloth to put on, when to fast, when to weep and what to do with their boys. The Government ought to be solemnly assured that the whole country would rejoice and feel a sense of relief if the aforesaid *akharas* and *samities* are shut up at once . . . A large portion of the people who are now suspected as seditionists are so from fear. They fear the anarchists and their volunteers who are strong in the field. They fear to be attacked at night by dacoits and incendiaries or to be done to death by the political assassin's dagger. If they find that the Government is strong enough to give them real protection, they will rejoice at heart, and with thanks to God and the Government of the country cut off all connection with the agitators for good.

The Hon'ble Mr. Dadabhoy, in supporting the Bill, characterised these Associations in the following terms:—

I am of opinion that these associations or conclaves, where a carnival of sedition is systematically carried on, where revolutionary doctrines are daily preached, where violent and mischievous lies are daily disseminated, where youthful and susceptible minds are led astray and continuously infected with the venom of sedition, distrust and opposition to Government, where ignorant and malicious vilification of Government measures is indiscriminately indulged in, where funds are collected and often extorted under misrepresentation—these associations should no longer be permitted to exist, and the interests of society as well as of good Government alike require their immediate and wholesale extinction.

The above extracts give us a very clear idea of the kind of political situation with which the Government of India was faced in 1908, which brought into being the Criminal Law Amendment Act.

I must frankly confess I have not been able to reconcile myself to the idea that the Congress or Khilafat Committees or Associations or any other Associations that have been declared as unlawful can legitimately be characterised as Associations such as I have described above. It is the first and foremost duty of Government to maintain law and order. Who is such an idiot as to deny such an elementary principle? But in the name of law and order no Government can or ought to apply a piece of legislation for a purpose for which it was not really meant.

Broadly speaking, these Associations or Committees which have been proscribed, have for their object the following three things:—

(*i*) to get the Punjab wrongs righted.

(*ii*) to secure justice to Turkey,

(*iii*) to secure Dominion Self-Government,

and these objects are to be achieved by non-violent non-co-operation.

I fully admit excesses have been committed by some members of such Associations. I am prepared to admit that in some cases they have had

recourse to intimidation and violence, but I am not yet convinced that these Associations have for their real object the overthrow of the British Government by violence, which would certainly bring them within the purview of the Criminal Law Amendment Act. It is perfectly true that volunteers are being enrolled every day in defiance of Government notifications but the real object there is to show their disapproval of the present repressive policy of Government.

I have not as yet received any satisfactory explanation as to why Government cannot deal with individual cases of intimidation, terrorism or violence without having recourse to the present dragnet policy of indiscriminate arrests and prosecutions. Neither Sir William Vincent in Delhi nor Mr. McPherson in Bihar has succeeded in giving any conclusive proof as to why people guilty of intimidation or violence cannot be dealt with individually under the ordinary law which is more than ample to meet the requirements of the present situation. For the reasons set forth above, I feel that the notifications referred to in my resolution should be withdrawn and the prisoners arrested or convicted thereunder should be released.

My second reason is that the present repressive policy of Government has given a fresh stimulus to the non-co-operation movement. People were getting tired of it. Many regarded the non-co-operation creed as a dying creed. Many of us expected it to die for lack of support. No serious importance was attached to many of its activities. Sane and sober people never took serious notice of fruitless propositions like the relinquishment of titles of the abandonment of law courts or the boycott of Legislative Councils. People regarded with great displeasure any attempt that was made from time to time, to induce students to leave schools and colleges. In fact, parents and guardians were getting thoroughly disgusted with this phase of non-co-operation activity. Civil Disobedience has been regarded as nothing short of insanity. Though a considerable amount of sympathy was shown in the matter of the *charka*, the boycott of foreign cloth and the prohibition of liquor and other intoxicants—the gospel of non-co-operation as the best means of obtaining *swaraj* was totally rejected by the right thinking section of the community.

Then came the memorable 17th of November, 1921. The non-co-operators by a vigorous campaign succeeded in persuading the people to observe a complete *hartal*. It was in this connection that Government committed a regrettable blunder. The Government failed to diagnose the situation aright. The Anglo-Indian Press howled, the Bengal Chamber of Commerce screamed, the European and the Anglo-Indian Associations and a certain section of the Indian Community shouted that the *hartal* of the 17th November was brought about solely by intimidation, terrorism and violence. They began to shout at the top of their voice that the British *Raj* had lost all its prestige and a

Gandhi *Raj* or Goonda *Raj* had taken complete possession of the situation. The Government of Bengal lost their balance and then came the repressive measures. The ordinary law was deemed insufficient and emergency measures which were meant for a different purpose were brought into requisition. And this action on the part of the Government of Bengal has given a splendid handle to the non-co-operators to carry on their propaganda with fresh vigour and the country is now seething with unrest and discontent. It is the bounden duty of Government to allay this unrest by withdrawing these notifications and releasing the prisoners.

The ordinary law of the land is quite sufficient to meet the requirements of the situation. Individuals, who are guilty of using intimidation or violence, must be adequately punished, but no clear case has been made out for the application of extraordinary measures to infringe the elementary right of holding public meetings or to interfere with public associations and public organisations.

My third reason for asking Government to withdraw these notifications is that Government is gradually losing the sympathy and support of the Moderates. The National Liberal Federation has condemned these measures in no unmistakable terms. The Conference which met at Bombay the other day has severely condemned this policy of Government. Barring the European section and the English Press, I do not know of any strong volume of Indian opinion in support of this present policy of Government. It will spell disaster if Government gradually loses this big asset. The Reforms Scheme will never be a success if there is lack of cordial support from the side of the people. It is a matter of profound regret that the English Press is continually inciting Government to take repressive measures. They forget that thereby they are doing a piece of great disservice to the country. In the first place they are widening the gulf between the Indians and themselves and, secondly, they are bringing about a clear-cut cleavage between the people and the Government. What is needed is a calm atmosphere. Great statesmanship is required to bring it about. Repression is not statesmanship. It is just the reverse of it. Let Government maintain law and order by all means but let it not have recourse to repressive measure in the name of law and order.

Kumar SHIB SHEKHARESWAR RAY: I move by way of amendment, that motion No. 3 do take the following form:—

"This Council recommends to the Government that the notification of the Government of Bengal for applying the Criminal Law Amendment Act of 1908, as amended by the Devolution Act of 1920 and the Prevention of Seditious Meetings Act, 1911, and the notification of the Commissioner of Police, Calcutta, issued on the 20th November, 1921, under section 62 A, clause (*4*), of Bengal Act IV

of 1866 and section 39 A, clause (*f*), of Bengal Act II of 1866, prohibiting processions and public assemblies, be withdrawn and that persons sentenced under the first two Acts and the aforesaid sections of the latter two Police Acts be immediately released."

My motion does not differ from the main resolution of Professor Mukherji, it only adds the notifications of the Commissioner of Police within its purview. Almost from the beginning of the present session, at every possible opportunity, some of us have been presistently trying to bring home to the Government our disapproval of the present policy of repression. But the House has thought otherwise and we have failed on all the occasions when, constitutionally speaking, one vote would have been most effective. We now come to a stage in our struggle when it is absolutely immaterial whether we win or fail, we have already considerably strengthened the hands of the Executive and God alone knows what game of red lool-fury is going to be played on the soil of our mother, Bengal.

This matter has been repeated so often in the Council that it has grown positively tiresome and I am afraid no further arguments on our part will be able to change the crystallised opinions of those who firmly hold to the opposite view. Still I consider it our duty to inform the Government the real views of the people, lest it be said at some other opportune moment, opportune to the Government, that our case has gone by default. I do not for a moment suggest that the Executive is devoid of any sense of responsibilty; perhaps on the informations that are at their disposal they rightly think that the measures are absolutely necessary for the maintenance of law and order in the country, but we, on our part, expect the Executive not to lightly brush aside our views as emanating from a band of irresponsible critics of the Government. There may be members in the Council who have bought their election and are now only on the look-out for securing their money's worth, but there are members, too, who hold their position in this Council as a sacred trust on behalf of their electors and are prepared to speak out the truth, however unpleasant it might be, clearly and boldly disregarding all personal considerations. And they expect that the House should give credit to them in what they say or do as being in the best interests of their country and countrymen, according to their lights.

Before I discuss the futility or otherwise of the present measures, permit me to briefly review the situation immediately before the promulgation of those measures. It is a well-known fact, that a large section of the public, including some of the most intelligent leaders of public thought, men in the foremost ranks of Indian statesmen, thought that the Reforms did not give us any substantial power. They did not therefore care to come into the Council, but formed into a party to secure further rights by lawful and constitutional means and to make their demands effective. Some of them thought that they could paralyse

the Government by non-co-operating with it. Violence was out of question for who does not know the might of British *Raj*? But they soon found out that the cult of non-co-operation had no effect on the majority of educated community. The bulk of the educated community were either in the Government employment or practised as lawyers at the Government Courts. They then directed their attention to the awakening of the masses. In this I must say that their line of action, though not often of a criminal nature, was surely not always above reproach. Fullest advantage was taken of their ignorance and of their economic distress. False hopes were held out to them and secondary issues of the Punjab wrongs and Khilafat were brought into requisition and their feelings were stirred. Here the non-co-operators have succeeded wonderfully. Neither money nor brains were spared to make the propaganda as effective as possible with the masses. The masses also have real grievances and they are gradually realising them and they are also realising their power. The self-sacrifice of some of the leaders of the non-co-operation movement have produced immense effect on them and the result has been the "Government awakening of the masses." Heretofore, the masses needed to be impressed by the educated community, but now the position is changed. It is the masses now that are beginning to bear on them a great pressure and are urging towards political emancipation. When all these things were going on, the Government, on its own confession, was inactive, hoping against hope that the whole movement will die of sheer inanition. We have been informed by the highest authority in the land that in less than six months between June and November more than 4,000 political meetings had been held in Bengal and violently seditious speeches and the grossest misstatements were made. But the reports in the papers show that very, very few prosecutions were initiated for sedition. And only in a few places were meetings prohibited and certain men restrained from addressing meeting under the prohibitory sections of the Criminal Procedure Code.

Such was the situation, before the 17th of November, and when there was a universal *hartal* in Calcutta, if not throughout the province, the Government suddenly roused itself. It felt that the situation was clearly out of its hands, and in a sort of panic, in order to make up for lost time, promulgated certain orders declaring some associations and all public assemblies and processions as unlawful. All these were done on the ground that intimidations were at the root of the trouble. And so the Government in a fit of temper posted soldiers with machine guns in the streets of Calcutta, gave a sort of *carte blanche* to the police to arrest, no matter how, anybody and everybody whom the police itself might think proper to arrest. And in this matter of arrests and treatment of offenders, brutal assaults were even condoned or lightly treated by the Government exasperating the people all the more. While all these things were being done, with the avowed object of protecting life and property of law-abiding people, the atrocities were such that the law-abiding

people themselves got disgusted with Government methods and joined in their hundreds the non-co-operation movement. And the second *hartal* of the 24th December should have been an eye-opener to the Government proving the falsity of the intimidation theory.

Efforts are being made to make a capital of our not opposing to our utmost these measures in the sittings of the 21st November. But the Government forgets that at that time we were very anxious to make the Royal visit to our Capital successful and so gave a free hand to the Government to take adequate measures lest anything untoward in the Royal visit be placed at our doors. But as soon as we realise the futility of the Government measures we tried to cry halt to the Government. But that again has been left unheeded. The matter is daily growing serious. The exasperation of the people is such that the Government is losing credit with the people. The authority is being openly flouted and the sanction of law have lost their terrors. Punishments are now being exploited to make martyrs of people and in spite of flogging triangles, bar fetters and night hand-cuffs, scarcity of food and clothing, still they come to swell their number in the jails. With your punishments you can no longer terrorise people into submission, rather the behaviour and treatment of the illiterate constables and unfeeling sergeants are embittering the feelings of the people.

Let not the Government forget that its real prestige should be broad based on the affections of the people, and not depend on the might of its sword. Let me warn the Government in all seriousness that here it is not contending with a microscopic minority but with the vast millions who are discontented. And if this discontent be allowed to remain any longer or to go on increasing, as a result of these repressive measures of despair, I shudder to think of the future of the land. I shudder to think through what new channels these pent-up feelings might burst out at any moment devastating all, both good and evil, right and wrong in the country.

I appeal to the Government to pay some heed to our expostulations and by withdrawing these measures an atmosphere of conciliation will ensue. His Excellency himself had said in the Council on the 19th December:

> I should add that since it was to meet a particular set of circumstances that Government took action. The Government might be able to consider its position if the circumstances which gave rise to it themselves underwent a radical change.

And Sir, there has been already a radical change, a change which has proved that the policy is futile. It would be statesmanlike now to strike a new line. I would entreat the Government once more to withdraw the special measures and release the people incarcerated under these measures. Punish by all means the people who offend against the ordinary laws of the land, but do not try to stifle them and terrorise them.

Mr. AJOY CHUNDER DUTT: I move " that this Council recommends to the Government that the notifications which have been issued under the Indian Criminal Law Amendment Act of 1908 be withdrawn and that all persons convicted under the said Act be released. "

It is with no desire to hamper Government that I move this resolution. I am perfectly cognizant of the difficulties, the immense difficulties under which the Government is labouring and of the grave responsibility for the maintenance of peace and order within the realm, that rests upon its shoulders. I do not desire to add to its difficulties. I move this resolution, because I feel it is my clear duty to point out the mistakes of Government with a view to preventing their repetition and securing, if possible, a more satisfactory method of dealing with the political unrest in Bengal.

Let me, in a few words, give a picture of the political situation of Bengal before the 17th November—the day on which a general *hartal* was observed in Calcutta. I think I shall not be contradicted when I say that before that date the non-co-operation movement had a comparatively small following in the province. Certain areas were undoubtedly affected, such as, Chittagong, and some portions of East Bengal, but the large bulk of the province remained true and loyal to the principles of ordered progress by which it was hoped to attain *swaraj*. Mr. Gandhi had repeatedly complained of the feeble response of Bengal to his appeals, and the comparatively small contribution of the province to the *Swaraj* Fund proved the justice of the complaint. Bengal is the richest province in India and yet the contribution made by her to that fund did not exceed seven lakhs of rupees.

The *hartal* of the 17th November was actuated more by spiritual than by political motives. Although Gandhism had acquired no foothold in Bengal, a very large bulk of its inhabitants professed a deep reverence for the character of Mr. Gandhi. It was in deference to his wish that shopkeepers consented to close their shops and the taxi-drivers refused to ply for hire. Their motive was not political, they merely obeyed the order of Mr. Gandhi, just as they would have obeyed the order of a religious preceptor.

I maintain that the *hartal* of Calcutta on the 17th November was to a large extent voluntary. The number of people that resented the interference of the non-co-operators was comparatively small. I do not for a moment deny that the non-co-operators used threats and intimidated people for the purpose of securing a complete *hartal*, but I maintain that the vast bulk of the inhabitants of Calcutta did not resent the measures taken by the followers of Gandhi because they were willing to sacrifice a day's earning for the sake of Mr. Gandhi. Had it been otherwise, I am confident there would have been a riot, a serious riot, like that in Bombay, on the 17th November.

The first mistake that Government made was to regard the *hartal* of the 17th as a political expression of the people. I do not blame the

Government; such a mistake was perhaps natural. A very serious riot has occurred in Bombay on the 17th, and it was necessary to take effective measures of prevention in view of the Prince's visit, and prevent at all cost a riot in Calcutta.

Some of the measures taken by Government with this object constituted a blunder of the first magnitude. Notifications were issued under the Criminal Law Amendment Act, and the Seditious Meetings Act was brought into operation within certain areas. I maintain that these steps were wrong, first because they were ineffective, and, secondly, because they caused needless irritation to the people. I am confident that Government would never have made this *faux pas* if it had been more in touch with the true situation.

Let me explain. The programme of the non-co-operation had been exhausted. They were eagerly looking out for new opportunities for their agenda of creating a feeling of revolt and of hampering Government in every possible way. These opportunities come when Government makes mistakes. Such an opportunity came after the Chandpur affair and they made full use of it, such an opportunity came again when this repressive policy was inaugurated, and as we see they have made splendid capital out of it.

The non-co-operation movement would have died a natural death if Government had not brought into operation the exceptional laws. The only weapon of that movement was *hartal*, but this could not be frequently used without creating dissatisfaction and raising a feeling against Gandhism. The non-co-operators were vainly searching for another and a more effective weapon when Government played into their hands and furnished them with weapons and opportunities such as they had never possessed before.

Certain bodies were proclaimed as illegal. The non-co-operators came out in shoals to be arrested. This was exactly what they wanted. They wanted to pose as martyrs before the country and they succeeded Popular feeling which was neutral before, veered round in their favour. The wholesale arrest of volunteers that was daily made created a tremendous sensation and the violence which accompanied these arrests caused a deep popular resentment. The masses do not understand the law. They saw people arrested for wearing Gandhi caps and beaten for selling *khaddar*. Was it not natural that their hearts should go out to those who were apparently victims of an oppressive policy?

I do not for a moment suggest that precautionary measures were not needed for the preservation of peace and order in Calcutta during the Prince's visit Precautionary measures were urgently necessary, but these could have been taken with the assistance of the Penal Code, the Criminal Procedure Code and the Calcutta Police Act. The Government are aware that these Codes contain ample provisions for dealing with cases of intimidation, sedition, treason and unlawful assembly and the scope of sections 107 to 110 of the Criminal Procedure Code is wide

enough to comprehend all persons from whom any trouble may be anticipated. I do not think it was necessary to make wholesale arrests of national volunteers for the purpose of preventing a disturbance in Calcutta. Adequate precautionary measures by the police, and the arrest and conviction of some of the leading *goondas* were all that was needed for the preservation of peace and maintenance of order in Calcutta during the Prince's visit.

The Bihar Government, I am told, acted with more caution. It is well-known that the non-co-operation movement had a firmer hold in Bihar than in Bengal, and yet that Government, while issuing a notification under the Criminal Law Amendment Act, acted with great restraint and tact and only made such arrests as were absolutely necessary. The example of Bihar might well have been followed in Bengal.

The Government, I understand, had another object in bringing into operation the Criminal Law Amendment Act, *viz.*, to stamp out the non-co-operation movement in Bengal. That is why the Act is still in force although the Prince has departed. I have seriously considered the matter from this point of view, and I am of opinion that the object of Government will not be served by the method adopted. Let me explain my reasons.

The Criminal Law Amendment Act was passed in 1908 to deal with a comparatively small band of political enthusiasts whose object was to win freedom by terrorism. The Police, in the course of their investigation, discovered most of the members of this organisation and the Act was effectively applied against some of them. The object of the Legislature was to break up underground anarchical associations and punish members of such associations even where particular crimes could not be established against them. The framers of this Act, I am sure, never contemplated its application against such a large and fluid body as the national volunteers whose operations are public and not hidden, and whose sole object is to find political salvation for India by entering the prison. Are these men all non-co-operators? What is a non-co-operator? Formerly it meant persons who refused to co-operate with Government in securing the success of the Reforms; now it includes persons who are willing to go to jail as a protest against the repressive policy.

The policy of the Government is driving honest co-operators and persons who hold no political views into the camp of the non-co-operators. The number of the latter is being augmented daily by fresh recruits. The feeling against the British Government is rapidly increasing, and it will, if not allayed, find expression in civil disobedience on a broad scale. I dread to think of the terrible results that will follow, if civil disobedience is accepted by the masses as a political programme. I do not desire to paint a gruesome picture, but I wish to tell the Government that the Criminal Law Amendment Act will be a scrap of paper if half the people of Bengal refuses to pay their rents and taxes. The police will find it impossible to cope with the situation. A rural thana generally serves an area of 30 square miles.

It's strength consists of one sub-inspector, one writer-constable and about eight or nine ordinary constables—a dozen men all told. Consider, Sir, the utterly helpless position of the police if the masses take into their heads to adopt the programme of civil disobedience. Government must know that the control of the non-co-operation movement in Bengal is no longer in the hands of Mr. Gandhi and that the people, if they are pushed to it, will not hesitate to adopt a programme which they may consider suitable even against the wishes of Mr. Gandhi. Government would be well advised to exert its utmost to prevent civil disobedience and that can only be done by allaying popular feeling by the withdrawal of the policy of repression.

Although the proposal is not embodied in my resolution, I would also advise Government to withdraw the notification issued by the Police Commissioner prohibiting public meetings in Calcutta. Public meetings are not dangerous, and if they are allowed to be held, the Calcutta public will very soon lose all interest in them. Non-co-operators attend those meetings to-day not because they are eager to hear what the speakers say, but because they wish to seek arrest and pose as martyrs before the public. I would earnestly entreat Government not to make martyrs of these men. Let them alone and you will find that within a month these meetings will cease to attract.

I earnestly hope that Government will take timely warning and not persist in a policy of which it had ample experience after the partition of Bengal. So far as I know the non-co-operation movement is yet on the surface. There is, however, a great danger of its being driven under ground if repression is persisted in. It is easy to convert an open, non-violent movement into a secret movement of violence. I earnestly hope that this may not happen and the horrors of secret assassination once again repeated in Bengal.

One word more. In the latter portion of my resolution, I have recommended the release of all persons arrested or convicted under the Act of 1908. In my opinion, no useful purpose will be served by punishing those against whom the Act has been made to apply. A very large percentage of these men do not belong to the criminal class. These may be safely released. There may be, however, amongst those arrested, persons whose liberty is a menace to society. These men may be punished under the ordinary law.

It is a truism to say that the present troubles are due more to economic than political causes. It is the growing poverty of the country, the great misery caused by the enhancement of prices during and after the war, the lack of suitable opportunities for our young men, the starving conditions of 80 per cent. of our middle class families, the enormous death-roll from malaria and influenza and the lack of suitable arrangements to prevent, check and cure these diseases; all these are largely responsible for the spirit of discontent

that has come upon the country. This discontent has been present for the last 5 or 6 years, only it was so long dumb discontent. The Gandhi movement has furnished it with expression. If you wish to restore the normal political conditions in Bengal, if you wish to secure success for your Reforms, remove the crying grievances of your countrymen, improve the condition of your people, and prove to them that the Reforms imply some material benefit to them. This I believe is one way to combat the non-co-operation movement. This movement is based on economic discontent. Remove the discontent and you will take away the main spring of that movement. Meddlesome surgery in the shape of repression will not cure the disease; it will only aggravate it.

These are the recommendations I have to make. The times are critical and Government would be well advised to exhaust all peaceful methods for controlling the present discontent before definitely committing itself to the continuance of its present policy.

Rai HARENDRANATH CHAUDHURI: It is with the same intention with which non-partymen like Sir P. C. Roy and others have demanded the withdrawal of these notifications,—it is on the same ground on which the National Liberal Federation have condemned these measures, it is on the same consideration, on which the Malaviya deputation and conference have thought fit to urge their withdrawal,—that I am going to move my resolution. And I do so not because I hold a brief for the non-co-operators but because I claim to represent other people who, in their anxiety and consternation, despair and dismay, are asking what next and what more to come in the name of law and order.

One word more of personal explanation, I think, is necessary in view of the question of estoppel raised by my hon'ble friend Maulvi Nasim Ali and others. In reply to the question how could those, who did not object to these measures when Sir Asutosh Chaudhuri's motion was under discussion, come forward now to question them? I would not say anything about my physical incapacity to take part in any debate at that time. I would now refer to the fact that I left the Council just after His Excellency's speech on the 21st November, but I would ask those hon'ble members to bear in mind first that Sir Asutosh's motion had only a brief span of two hours' life and that it was impossible for all, even if they wished, to take part in that debate. Further what persons like the Maulvi Sahib ought to remember is that Sir Asutosh's motion did not directly call for a discussion of the particular measures in question. That was at least Sir Ashutosh's view as appeared from his contradiction published in the newspaper. Moreover, when the Government, out of its great regard for the opinion of this Council, thought fit to issue the notifications in question and commit themselves to a policy of repression only three

days before the dates announced for the Council meeting in November, certainly it did behove those members of the Council who differed from these policy and measures, just to wait and see the operation and immediate results of these "fooleries of law and order," to use a Morleyan phrase, before expressing any opinion to the contrary.

Now to come to the subject matter of the resolution under discussion, I beg to think—and let me say at once—that the invocation of the emergency measures and the issue of notifications thereunder, are in the first place uncalled-for, in the second place unjustifiable, thirdly, ineffective, and lastly, impolitic.

I say it is uncalled-for because application of emergency measures is rightly demanded not by an evil which is simply widespread but by a crime which cannot be dealt with by ordinary laws and whereof punishment cannot be secured by ordinary penal measures. Thus the Criminal Law Amendment Act was enacted not only because there was widespread acts of violence but also because it was very difficult to successfully prosecute, convict and punish the delinquents. Thus in introducing the Amendment Bill in 1908, the then Law Member said—

These crimes generally involve an element of conspiracy, and their prosecution is a matter of great complexity * * * It takes a long time to unravel the web of conspiracy * * * Tendencies to suppress evidence and terrorize the witnesses, * * * come to play * * * Then come protracted proceedings in the Committing Magistrate's Court, and delays while applications are being made to the High Court, in all sorts of interlocutory matters. * * * Next come the proceedings in the Sessions Court in which all the evidence is heard over again * * * India has changed since the lines of the Criminal Procedure Code were first drawn and the most notable change is the enormous increase of lawyers of the greatest ability and of infinite subtlety who are available for the defence of accused persons. The result is * * * that the main difficulty now lies not in safeguarding the innocent but in securing the punishment of the guilty.

But is that the case now? On the contrary, has not prosecution become a wonderfully simple matter and conviction very easy to secure owing to the self-imposed vow of the non-co-operators not to enter any defence? If so, how the ordinary measures have failed to cope with the present situation, one cannot comprehend.

Equally pointless is the application of the Prevention of the Seditious Meetings Act. To the question—"Why do you not prosecute these seditious agitators? The existing laws of the country—the Indian Penal Code—gives ample power to punish them. Why do you not enforce it instead of enacting such a measure? The Hon'ble Sir Harvey Adamson replied:—

The answer is that to prosecute, there must be witnesses * * * But no witnesses of respectability are to be found * * * That is the reason why in India we cannot rely on prosecutions * * * The true state of things in England is simply this, that the law permits anyone to say, write and publish what he pleases, but if he makes a bad use of this liberty he is liable to prosecution and punishment. The Government of India have no desire that it should be otherwise in India, provided that prosecution is feasible.

Now that prosecution and punishment have become exceedingly feasible in the absence of defence, how can it be said that preventive measures which entail inconvenience and risks are called for by the present situation? Moreover, when you have not seen any disinclination or hesitation on the part of the Government to use much too freely the ordinary laws, are we not justified in questioning the application of these extraordinary measures?

Now to explain my second point, *viz.*, how unjustifiable are these notifications—how different is the present situation from the circumstances under which the Criminal Law Amendment Bill was enacted in 1908, one has got simply to compare the events which, in the opinion of the authorities, have led up to these notifications now, with the horrible crimes which the emergency measures were designed to cope with. His Excellency the Governor in course of an *ex post facto* explanation as to why the proclamations under the Criminal Law Amendment Act had to be issued now, said—

> There is no need for me to give a detailed account of the events of the past week or two which, beginning with a riot in Howrah on the 4th of this month, culminated in wholesale terrorism and intimidation by means of which the normal life of this city was gravely interfered with on Thursday last, and the liberty of a vast number of people in carrying on their normal avocations curtailed. Suffice it to say that such a state of affairs is not tolerable and that Government is of opinion that a situation has arisen which calls for drastic action. * * * The agency which is being used to do the actual work of intimidation consists of certain so-called volunteer corps employed in the cause of non-co-operation. The activities of these bodies have become a menace to the liberty of law-abiding citizens, and they have accordingly been proclaimed to be unlawful associations under the Indian Criminal Law Amendment Act.

Now this is an outline based on personal opinion or presumption and consists of uncorroborated allegations of general intimidation—intimidation which, as somebody has said is such a beautiful thing that "mere assertion is sufficient to prove it." Whereas in 1908, the Hon'ble Sir Harvey Adamson in explaining the considerations which influenced the Government to enact the very same measure, *viz.*, the Criminal Law Amendment Bill, said—

> The following are some of the more prominent instances of anarchical crime which have occurred in Bengal and Eastern Bengal during the past year. On the 6th December, 1907, an attempt was made to assassinate the Lieutenant-Governor of Bengal by means of a bomb exploded under his train near Midnapore. Two other abortive attempts of a similar nature on Sir Andrew Fraser's life had already been made on the railway line near Chandernagore. On 23rd December, 1907, Mr. Allen, the District Magistrate of Dacca was shot with a revolver at Goalundo. On the 4th March, 1908, Mr Higginbotham of the Church Missionary Society was shot near his house at Kusthia On the 11th April an attempt was made to assassinate the Mayor of Chandernagore by a bomb. On the 30th April, a bomb intended for Mr. Kingsford, who had been Presidency Magistrate at Calcutta, was thrown into a carriage at Muzaffarpur and killed Mrs. and Miss Kennedy. On the 2nd May the Manicktolla Bomb Conspiracy was brought to light. On the 2nd June a serious dacoity was committed near Nawabganj in Dacca District by a large band armed with guns and revolvers in which two persons were killed On the 21st June a bomb

was thrown into a railway carriage at Kankmnara and injured an English gentleman, and there have been several other similar attempts in the same neighbourhood. On the 31st August, an approver in the Manicktolla case, which is under trial at Alipur, was murdered by a revolver. On 17th September a serious dacoity was committed at Serampore. On the 20th and 30th October similar dacoities were committed in Malda and Faridpur districts. Only a few days ago followed a dacoity of the gravest nature in Rarta. There is ample reason for believing that all of the dacoities which I have mentioned were committed by young men of the middle classes. On 23rd September a young man was convicted of sending a bomb by post to the Magistrate of Nadia. On the 7th November, the fourth attempt was made to assassinate the Lieutenant-Governor of Bengal, on this occasion with a revolver. On the 9th November the native Sub-Inspector of Police, who had arrested one of the Muzaffarpur murderers, was shot dead in the streets of Calcutta. On the 13th November the principal witness in a case against the head of an association called the Anusilan Samiti, was murdered and decapitated near Dacca. These are examples of the type of anarchical crime that has been prevalent.

Now I pause to inquire where are the secret societies professing the cult of the bomb? Where are the dacoities and assassinations of the type mentioned above? Even those who honestly differ from the Congress propaganda and discount their doctrine of non-violence, cannot truthfully say that the Congress Committee or Volunteer associations are organising assassinations and armed revolts.

Again the same Hon'ble Member, while moving in 1907 that the Prevention of Seditious Meetings Bill be taken into consideration, said:—

A flood of (seditious) oratory was about the same time poured forth in Eastern Bengal, including, among other things, the boycott. It excited the population of that Province and culminated in serious riots at Comilla and Magrahat and the neighbourhood in Tippera District, at Nangalbandha at Dacca, at Jamalpore, Bakshiganj, Kharma, Bahadrabad, Tarakandahat, Deluhiyahat, and a number of other places in the Mymensingh District, at Solanga in Pabna and Kishorhat and Ekdala in Rajshahi. There were also incipient disturbances elsewhere. * * * The people were incited to attack the police, especially the European police, and students were advised to arm themselves with *lathis*—advice which they accepted. The result was that disturbances took place on the 7th and 26th August, 9th September and 2nd to 5th October.

Mind, all these happened before the enactment of the said Act and were not brought about by any provocative proclamation under the Act.

Now, even if we assume that there were some disturbances (although after carefully searching the issues of the *Englishman*—the only officially recognised purveyor of truth—from the 4th to the 18th of November, I could not find out a single act of violence comparable with the anarchical crimes of the years 1907 and 1908) and even if we allow that the Howrah riot was due to the non-co-operators (which it was not, even according to the recently published Magisterial report), and if the theory of general intimidation with regard to the events of the 17th November stands in the absence of any violent outbreak and after the *hartal* of the 24th of December and further, if more than 18 seditious speeches were delivered in course of the 4,265 meetings be admitted (I refer here to the

answer given by the Hon'ble Sir Henry Wheeler, to a question of mine, that only 18 speakers have been tried under section 124A since last June)—what comparison or analogy do they bear with the criminal outrages of the period when the Criminal Law Amendment Bill of 1908 and the Prevention of Seditious Meetings Bill of 1907 were enacted, I, for one, fail to understand.

Now to come to my third point and to point out how ineffectual and unavailing these measures have been, I have simply got to state that the very futility of these proclamations is the measure of their inapplicability and of the unjustifiability of the measures under discussion. What results have been achieved by these proclamations? Well, the jails are full to overflowing, yet the eagerness to enter the prison is unabated, on the contrary, it is being actually whetted. Never before were arrests so much coveted. Even arrest by batches has not satisfied them and now arrests *en masse* in public meetings is being courted. It is not the escape from a Mountjoy that they plan here, but with the enactment of a play or organisation of a Maghotsab in jail that they are busy. Never perhaps in any other country and in any other epoch was jail so much robbed of its horror and the fall of Bastille was secured by the very enthusiasm to share the life within. And how impolitic these measures have proved to be, can be judged from the fact that the non-co-operation movement, after all the fatuity and failure of its original programme, has at last been provided with a definite and workable programme by these recent measures. But even if this be untrue, even if these measures and this "quackery of hurried violence" do succeed in killing the non-co-operation movement, let those, who are really the partisans of law and order, beware that the very success of these measures and the realisation of the cynical hopes that are entertained about them will ensure developments far more serious than the non-co-operation movement and lead to propaganda, far more sinister and deadly than we have yet had to face. For was it not the late Sir Rash Behari Ghose who wisely remarked that the Prevention of Seditious Meetings' Act should be named not simply "an Act to prevent seditious meetings" but "to promote underground sedition" as well?

Now let me conclude in the ever memorable words of that great Jurist:—

I trust I have said enough to justify my vote I do not oppose these measures in a party spirit, for there are no parties in this Council, nor have I any desire to embarrass the Government I oppose these measures because I am fully persuaded that they are foredoomed to failure. I oppose these measures because they will intensify and not mitigate the evil which you are seeking to guard against. I oppose these measures, it is no paradox, because I am a friend of law and order, both of which are menaced by them. I oppose these measures because the Government already possesses all the power they can reasonably want in the armoury of the Penal and Criminal Procedure Codes I oppose these measures because they violate all the liberal traditions which have guided the Government in the past. I oppose these

measures because I wish to see the English rule broad based on the people's will, and not resting merely on the sword, whether Indian or British. And lastly, I oppose these measures because they will kill all political life in this country.

We are conscious we are fighting a losing battle, we know we all shall be defeated, but we shall not be dejected. For there are some defeats which are more glorious and victorious, and we shall count this among their number. We have been taught and have learnt to value the right of public meetings and the right of free associations as our dearest rights, and we should have been unworthy of ourselves, unworthy of the trust reposed in us, if we quietly submitted to measures which are aimed at them and which would be so fatal to all national growth In our defeat, however, we shall be sustained by one great consolation of having endeavoured, according to our lights, to do our duty to the Government and to the country

With these words, I beg to press my resolution only if any other cognate resolution of wider scope be not carried by the Council.

Babu INDU BHUSHAN DUTTA: When I remember that a similar resolution has already been adopted by the Bihar and Orissa Legislative Council, and that an amended resolution has also been passed by the United Provinces Legislature, I hope that, in this resolution at any rate, I shall have the Council with me. Let it not be said that the Bengal Councillors lack the backbone of their brother-Councillors in the adjoining provinces.

For more than two months, the province has been under the iron heels of two repressive laws of great potency which have convulsed the whole country with an amount of discontent, and which has even outrivalled the discontent of the memorable Partition agitation days.

The Government members and their friends have often taken us to task for calling these measures repressive. But do they know that it is not we alone that call them repressive. Perhaps it will surprise them to hear that Sir Harvey Adamson, when introducing the first Seditious Meetings Bill on the 18th October, 1907, in the Imperial Legislative Council, said: "I have no desire to disguise the fact that the Bill is a repressive measure of considerable potency." Indeed, Sir, how else, can any honest man describe a measure which takes away the very elementary right of a citizen to hold public meetings? Indeed the Bill was regarded with such aversion that it was opposed by non-official members including such moderate, sane and sober men as Mr. Gokhale and Dr. Rash Behari Ghose.

As regards the Criminal Law Amendment Act, does this Council know under what circumstances this law was passed? When introducing the Criminal Law Amendment Bill before the Indian Legislative Council, Sir Harvey Adamson gave such a long list of bomb outrages and other dastardly activities of anarchical gangs that it was made perfecty clear that this law was wanted to stifle anarchical associations. It was a special Act to meet a special situation, and I am sure that neither the hon'ble member, who introduced the Bill nor his supporters, could ever dream that this special law could be utilised for

meeting a situation, which any ordinary law of the land would be competent enough to deal with. Sir, the other day, in this Council, much capital was made out of the fact that the Repressive Laws Committee had recommended the retention of this Act for the present. But, Sir, the answer to this argument has come from a member of the Repressive Laws Committee itself. If I am not much mistaken, the Hon'ble Mr. Bhurgri, in course of a speech in the Council of State said, the other day, that evidence had been given before that Committee of certain anarchical associations in India, and hence they had recommended its retention. But, surely, even the Repressive Laws Committee could not think that this Act would be utilised for crushing the volunteers and the Congress movement. Whatever may be said about the non-co-operators and volunteers, I say, deliberately, that they are not anarchists, and no Government has a right to deal with them with a law which was really meant for the anarchists.

These are the two swords that the Government, in its infinite wisdom, has thought fit to bring out to crush the non-co-operation movement. I ask, Sir, what justification could the Government have in applying these laws? If there have been breaches of law and order, the ordinary criminal law of the land is quite enough. I am indulging in no exaggeration when I say that the Indian Criminal Law is one of the most exhaustive in the world, and there is no crime, no violation of law and order which cannot be dealt with by any of its numerous and exhaustive sections. What then was the justification of the Government in bringing forward these measures?

In the Government statement that was published in the application of these laws, we find the following:—

> Through the agency of these volunteers, Calcutta and its environs have been subject for some time past to a persistent campaign of intimidation and molestation Whether it be the observance of the *hartal*, the picketing of cloth shops, the discouragement of the sale of liquor, a trial which has excited political interest or interference with attendance at schools and colleges, these volunteers in obedience to the orders of those in command of them have been in evidence threatening and interfering with the citizens of the town in the pursuit of their lawful avocations A determined attempt is being further made to undermine the loyalty of the police and to terrorise them in the discharge of their duties.

These are vague statements of a general nature, which have not been at all substantiated by concrete cases. In the whole history of intimidation by volunteers, we have only been told of one serious case. Much capital was made of a case of the find of arms, but is it not strange that any responsible Government could proceed to take action on the assumption of facts, which are still under the scrutiny of a court of law? If these be the concrete cases that have been brought forth to support the terrible campaign of intimidation and molestation, then, Sir, the case of the Government must be very weak indeed. The Hon'ble Sir Henry Wheeler paraded out a long list of cases that had occurred after the promulgation and application of these laws. But where are the cases

before these Acts were introduced? We have heard of great lawlessness in Howrah, and indeed, Sir, the occurrence at Howrah and the *hartal* of the 17th November, in Calcutta, are really the two cases that upset the nerves of the authorities. What about the Howrah cases? The belated report of Mr. Prance, the District Magistrate, who himself was concerned in the affair, has been published. Does it not say that the leaders of the volunteers were always willing to listen to reasons? There was a riot, but may I ask, Sir, who lost their heads in that riot? Both Mr. Prance's report and the Government resolution admit that the armed police lost their heads and in the excitement of the moment fired their arms, as a result of which there have been deaths and wounds. We have been lately hearing such frequent stories of police losing their heads and letting off their firearms, that we wonder if the Government and their agents think that human life in this country has no value at all? The total number of killed in Mohanganj, Howrah, Entally, and Serajganj makes a sickening record; when are we going to hear the last of these horrors? What have the Government done to punish these offenders who so quickly lose their heads?

Let us now come to the story of intimidation. The *hartal* of the 24th December—and I assert, Sir, that there was a greater *hartal* on the 24th December than on the 17th November, not only in Calcutta but also all over Bengal—the *hartal* of the 24th December absolutely discredits the story of wholesale intimidation. Let it be remembered that the *hartal* was complete not only in Calcutta, but in the remotest mufassal areas. How could this be done? We have often been told by the Government and our moderate friends that the non-co-operators are in a minority—that non-co-operation is a dying cult; how is it, then, that the lead of this small band of people is followed by the whole nation? Why is it that we do not hear of cases of intimidation in the law courts? There may have been some cases of intimidation but is it conceivable that a whole nation could be intimidated? No, Sir, the answer is somewhere else to be found. The method of the Government during the last six months to fight non-co-operation has aroused a spirit of dissatisfaction in the whole country. Sections 144, 107 and 108 of the Criminal Procedure Code have been flung about most indiscriminately and have been used to serve a political purpose, a purpose for which they were never framed. When, in addition to this, Gurkhas and the power of making special constables were used in such a way as to lead people to believe that they were meant to create an impression, when people were heavily punished in courts of law, on mere technical faults, people began to wonder if justice itself was not strangled and there was such a revulsion of feeling that people began to sympathise with the non-co-operators. So, when the non-co-operators appealed to them for a *hartal* on the 17th the response was complete. This is the true reason. There is a great discontent in the country and *hartal* is merely the outward manifestation. It is the silent protest of the weak against the strong.

What has the Government done to meet this unrest? Did they call for a conference of all the leading sections of the community? No. Sir, on the day after the *hartal*, they, in a panic, applied these repressive sections. Has unrest ever been suppressed by repression? Can repression change the thoughts of men? Have the Government forgotten the recent history of Bengal that they rush to drive the movement underground? Of all the foolish actions that have been taken by any Government to aggravate a whole nation, this has been the most foolish. There is a saying that if you want to judge the actions of others, try to place yourself in their position. I have tried to place myself in the position of the Government, and even then, these measures seem to have baffled their own purpose. By sending a thousand boys and young men to jail, you alienate the sympathy of two thousand parents, ten thousand family members, two hundred thousand neighbours and a million of their countrymen! Does it not spread discontent more quickly than anything else?

We have heard that most responsible people, not only Europeans, but Indians, advised the Government to take such actions. Sir, with all due deference to these responsible people, I must confess that they have not been able to read the people's views and susceptibilities; or is it that the atmosphere of the Writers' Buildings or the gates of the Government House are too high for the ordinary people—people who know the real sentiments of the people and have the courage to speak out?

Then, Sir, I seriously ask the Government, can intimidation be met by repressive laws? Intimidation may be of two kinds, private and public. Private intimidation can never be dealt with by any legislation, unless people will come forward to complain. As regards public intimidation, it can easily be met by the common law of the land. Where then was the sense of these measures? We have heard much about tampering with the police. Those who have read the presidential address, delivered at the last British India Police Conference, know well enough that the police do not need tampering with. They are more dissatisfied with Government methods than they can be dissatisfied by the non-co-operators.

This Council has been blamed for not opposing these measures on the 21st November. But, Sir, did the Council have an opportunity of expressing its definite opinion on that day? Was there any definite motion before the House? It is always unsafe to judge the opinion of a House by a two-hour discussion on an adjournment debate. If any one listened to the first two hours' debate on the Amusements Bill, he would have thought that the House was against taxation. But did not the silent members defeat the vocal members by their vote? No, Sir, if today's voting goes against us, then, and then only, you will be able to say that the Council has supported the Government in its repressive policy.

As regards the application of these laws, the facts are only too well-known. The assault offered to Principal Moitra and my innumerable

brethren has been an insult to the whole nation. The insult has been doubly aggravated by the statement of the Hon'ble Sir Henry Wheeler, that Professor Moitra might be regarded in England as obstructing the military in the lawful discharge of their duties. Sir, I have been in England myself. I have spent three best years of my life there, and I know what the people would have done if the military had behaved in such a shameless manner as they did on that day. And I have a shrewed suspicion that the Hon'ble Sir Henry Wheeler knows also.

The indiscriminate assaults, the incidents in Entally and Mechua Bazar, the assault on Hem Nalini Ghosh (there seems to be a great deal of evidence on this point in spite of the Government *communiqué*, the affairs at Nilphamari and Serajganj, the condition of the Kidderpore Jails, the treatment of the political prisoners, in Faridpur, to mention only a few instances, have convulsed the whole nation and brought the Government to disrepute. The way in which the volunteers are arrested, tried, and convicted and then let off again, possibly to make room for fresh batches, has degenerated into a farce; it has brought the Government into ridicule.

We hear that new jails are being built. If the Government continues in its present career of repression, if they want to suppress the Indian National Congress, then, there will not be any need for any new jails The whole country will be turned into an insufferable jail. Let not Government continue in this mad career People are getting impatient. There is deep discontent. Let Government try to find out the true cause and help the people in getting *swaraj*—colonial form of self-government, short of which, there will not be any contentment in the country. This is the constructive suggestion for the Government; let them take it up. If they do not, then I foresee an absolutely dark future. Repression will drive some people to anarchy, and then all I can say is, "May God help my poor country." Sir, let the sound Irish policy of that great statesman, Lloyd George, be followed here; let the followers of Lord Carson and Colonel Gratton get away from this land of regrets.

Raja MANMATHA NATH RAY CHOUDHURY: I think I must speak on the serious question which lies before us, awaiting our decision, although I doubt if I will be able to clear up the mist, which obscures the issues at stake and throws further light upon the subject itself, with a view to lead this House to an understanding, devoid of what I may call, the heat and passion of a controversy.

I must confess that a very delicate situation has been created by a series of unfortunate events. These have well-nigh convulsed the whole country. Complications of the worst type, fraught with serious consequences, have arisen, necessitating an extremely careful handling of the prevailing conditions. The worst feature of the situation is that the present policy of the Government, although inaugurated with the sanction or approval of a Governor, who has done so much for Bengal to

win her confidence, with the sole object of successfully combating revol tionary forces, which are rampant in the land, seems to turn away fro the Government the minds of even those for whose protection or bene it was given effect to. This at any rate, if not anything else, poin towards the necessity of resurveying the whole situation and of revisin on cautious lines, the present policy of the Government. How can able administrator like the Hon'ble Sir Henry Wheeler, endowed, as is, with the vision of a statesman, forget what that great political philos pher, Edmund Burke, said about the absurdity of condemning a whc people?

But, Sir, when I say this, I do not for one moment suggest th strong action is not needed on the part of the Government to cope wi the revolutionary forces with which we are confronted. Law and ord must be maintained and the hands of the revolutionaries must be staye Bengal must keep pace with the tide of evolution but she must be spar the disastrous shocks of a revolution, be it bloody or bloodless viole or non-violent. We do not want revolution, we want a stable Gover ment, whose strength and efficiency must be maintained at all co Revolution can only bring chaos and anarchy and it is the duty of benevolent Government and also of all patriotic citizens to nip it in t bud.

Such being the case, one cannot but recognise the extremely diffic position of the Government. It verily stands between the devil and t deep sea. On one hand, the revolutionary forces, with all their cc comitant horrors, threaten to paralyse it, and, on the other hand, t measures which the Government concerts to cope with them, appear, the eyes of many, to infringe the rights and liberties of all who live und it and hence have a tendency to swell the ranks of the revolutionaries creating a general atmosphere of mistrust and discontent. What is th the remedy? A solution must be found for the difficulty which stares in the face. The present policy of the Government has not accomplish the task; on the other hand, what is the guarantee that its withdraw unless it is substituted by something better, will not make the prese situation grow from bad to worse?

No one, let me assure this House, if such an assurance is at all neede prizes more than myself the liberty of speech and action, and for t matter of that, all natural heritages of man. No one, I will venture say, perhaps, loves the student community more sincerely than n humble self. I have, let me say in all humility, started and maintain colleges and schools for them and helped them to the best of my abili to go to foreign countries for education. I have always taken a pride identifying myself with their best interests and aspiration. It is b natural that I shall be shocked to see hundreds of them, the future hop of our country, being sent to jail. It is a sorry spectacle, which brea my heart; but, at the same time, I can by no means allow the forces

revolution to gather strength to uproot accepted beliefs, traditions and ordinances, impair British connection with India, in which I find unmixed blessings, or to overlook, among other evils, the great danger of civil disobedience.

This, in my mind, points to the necessity of forming a representative committee, consisting of some of the official and non-official members of this House, to recommend a new policy to His Excellency the Governor through the Hon'ble Sir Henry Wheeler, and also to present to the country a scheme for propaganda work, to be carried on by all citizens, who believe in ordered progress and British connection. I must tell those who have spoken strongly on the subject, to-day, that Government actions are bound to be strong in the absence of propaganda work by the people themselves, to combat the forces of revolution, which, if it is not checked in time, is sure to bring in its train, the worst form of socialism, or shall I call it Bolshevism, which means nothing if not chaos and dismal gloom. I, therefore, appeal to the Hon'ble Sir Henry Wheeler and the movers of the various amendments to accept my suggestion for the formation of a representative committee and thus save the situation.

Babu INDU BHUSHAN DUTTA: May I rise to a point of order? Is there any motion before the House for the appointment of a committee?

Raja MANMATHA NATH RAY CHOUDHURY: This is a mere suggestion. My friend can move it as an amendment if he pleases.

Rai NIBARAN CHANDRA DAS GUPTA Bahadur: I am not going to be a mere silent voter; I am neither a violent co-operator nor a violent non-co-operator. The question before this House, is a very important one, which affects the whole nation. As such, I cannot afford to be simply a silent listener to the strong speeches, that have been made, in condemning the measures Government have taken, but at the same time, I am bound to say, if I have observed the trend of things correctly, that the measures adopted by Government have grievously failed to achieve the end, that the Government have in view. In my humble opinion, the ordinary laws of the land are quite sufficient to check the progress of any revolutionary propaganda, which we dread so much, and extreme measures are always to be deprecated, and unless they are supported by what we call public opinion and are based on moral laws or eternal verities. As they are not supported by the moral laws, these extreme measures are perfectly useless because if these measures affect the fundamental rights of the people, public sympathy is never enlisted on behalf of such measures. On the contrary, they alienate it. Now, what has been the effect of the notifications issued under the Criminal Law (Amendment) Act and other extraordinary laws? Have the people really any sympathy for them? I do not mean the people who are non-co-operators, or who are termed revolutionaries. I speak of the people in general; have they any sympathy for the measures which the Government have

hitherto adopted to stamp out the so-called non-co-operation propaganda? I submit that they have been a grievous failure, because people find, that the ordinary rights of citizens, to meet and associate together, and the right of free speech have been taken away, and they feel no sort of compunction in transgressing those ordinances or to violate the dictates of these extraordinary measures. Men, conscientious men, with strong religious and sentimental scruples, go to attend these meetings, and they say if by simply attending meetings or by taking part in them, they are to be arrested and are to go to jail, they are quite ready for it. The jail is not a place of punishment for them and how long can the Government maintain these prisoners, whose number is now almost a legion? Hundreds and thousands of young men are willing to go to jail, because it is not the first time, they fancy, their rights have been taken away, and they feel that it is their duty to violate these regulations, under the Seditious Meetings Act, or the Criminal Law (Amendment) Act. I regret to find that very few prosecutions under the ordinary laws have up till now been instituted. "Sedition" cannot be tolerated by anyone; if the Government resorted to the ordinary laws and decided to prosecute under these laws for sedition, I think there would have been only a very few prosecutions. Further, the jails have lost their terror and arrests have been made in very large numbers; these arrests have been a mockery; men attending these meetings, out of idle curiosity, have been arrested; of course, the police are not to be blamed much for this, because sometimes it is very difficult to discriminate the real transgressors from the non-transgressors. The effect has been, that people laugh at them, and are getting disgusted with these measures, and the way in which they are being enforced. His Excellency in this Chamber, not many days ago, told us that, "no one can accuse Government of having exhibited any desire to repress the freedom of speech tolerated in any free country." What has been the effect of the present notifications? Has not the right of "free speech been interfered with? His Excellency also uttered these wise words in this very Council—"No police force in the world can perform its task adequately in the absence of the co-operation of the public." The public is non-co-operating with the Government in this matter, and the people, who are being treated as criminals, have the sympathy of the public, and that makes the case worse. In the circumstances, it is up to Government to consider what other measures can be adopted, if there is lawlessless and disorder in the land. There is no question that the maintenance of law and order are the fundamental and principal duties of the Government, but evidently the measures they have hitherto resorted to, have failed. In these circumstances, I submit that we should all of us combine to see that these measures are withdrawn. Other measures may or may not be necessary; but at any rate it is our duty, at least, of all non-official members of this Council, to see that these measures that have been tried and found wanting, are withdrawn. Further, I submit, that it is not a question of political bias; if we are to

advise Government, we should do it whole-heartedly and frankly. I frankly admit that Government measures have failed; so it is absolutely necessary that they should be withdrawn; and if the ordinary laws are not found sufficient, other measures may be devised.

The suggestion offered by Raja Manmatha Nath Ray Choudhury is not a bad suggestion, but the only thing is the public will say that the question should be thoroughly discussed.

I think the resolution moved by Rai Harendranath Chaudhuri is a very reasonable one, and I feel no hesitation in giving my whole-hearted support to it.

Colonel A. J. PUGH: If I believed that this Government was wrong in having applied the provisions of the Criminal Law (Amendment) Act to Bengal, or in not withdrawing them, I should not have the least hesitation in saying so. I have given very careful consideration to this question, and I do not think I can be accused of being unsympathetic to Indian aspirations.

In coming to a conclusion, I have looked at the problem from the Indian point of view. I have said to myself, what would my attitude be at the present time, if I had been born an Indian and educated at the Calcutta Univeristy. I appreciate the fact that Mahatma Gandhi says he is trying to better the lot of his poorer fellow countrymen, because he told me so. I am also aware of what he did and went through in Africa, and I often wonder whether the key to his present state of mind does not lie there. He wants equality. No one disputes that he is entitled to this, and the Reforms provide for it. But I also desire to help in making the poor of this country more happy, healthy and prosperous. That is why I am in this Council. That is why I take an active part on the Calcutta Corporation. I owe a debt to this country and I desire to do something on my part to repay it. I believe I can best do this by helping to work the Reforms, and make them a success. Mahatma Gandhi is entitled to hold a different opinion. But he is not entitled to bring this country to a state of anarchy and ruin.

His propaganda of civil disobedience is carefully hedged in with conditions which he knows or ought to know can never be fulfilled. His followers all over the country have thrown these conditions of non-violence in words, acts, and thought to the winds, and have made up their minds to deliberately defy Government. This method of compelling the redress of a political grievance is direct action. Civil disobedience, political strikes, non-co-operation, all mean the same thing—anarchy. Instead of getting your grievance redressed in a constitutional way, and putting the utmost constitutional pressure on the Government to carry out the wishes of the people, Mahatma Gandhi has advised his followers to openly forsake the law and its protection, and become outlaws in fact. One wonders if this is the reason why the word " constitutional" has been deleted about a year ago from the Congress Creed?

If Mr. Gandhi's followers are determined upon being outlaws, the Government is bound to take some action. Society must be protected from outlaws. For this purpose the Government has taken action; can it be said that it has taken action in a panic? I think not. It is the fashion now a days to condemn the Government for having taken action against these outlaws and such action is called " repression."

Mahatma Gandhi has been complaining that the Government by its policy has restricted " the liberty of speech, " " the liberty of the press, " and the liberty of association." These are fine ancient principles entitled to the fullest respect. But what are the facts? Who is it who has deprived the people of the liberty of speech? It is Mr. Gandhi's followers. Who is it that shouted down His Excellency the Governor when he presided over the public meeting convened to welcome the Prince of Wales? Did His Excellency's Government then take the slightest notice of this suppression of the liberty of speech? It was taken in the greatest of good humour and was passed by. Who is it that has hounded out the Moderates from the Congress platform, and in fact from all public platforms in the country? Why is it that strong nationalists, who are certainly not Moderates, but who are non-co-operators either are not allowed a hearing? Who has shut their mouth? Everybody knows it is Mr. Gandhi's followers. Mr. Gandhi, no doubt, has raised his voice now and then against all this. But his precept has been observed only in the breach. I ask therefore, who is it that has in reality deprived the people of the right to speak out? It is the outlaw. And in most cases, the method adopted to accomplish this has been violent, either covert or open, and Mahatma Gandhi knows that.

Then again Mahatma Gandhi and his followers complain that the Government has restricted their liberty of association, what does he mean by that? I will quote his words. In liberty of association he includes " the right of association even for revolutionary propaganda." In all seriousness, I ask, is this Council going to condemn the Government for suppressing " liberty of association " for such revolutionary purposes? Let us admit that there may have been some excesses in carrying out the policy of Government in maintaining order. Could Mahatma Gandhi himself control his own followers when he pathetically begged of them to refrain from the disgraceful rioting at Bombay on November 17th? When you openly proclaim " disobedience" and use such expressions as " fight to a finish," " now or never, " " declaring war" and the like, you should not whine and complain if the adversary's scratch instead of being two inches long has been three inches.

We cannot complain of the Bengal Government having taken this step hastily. Till the riots at Bombay, the authorities here did not take any action whatever and seemed to have been under the impression that Mr. Gandhi and his lieutenants had real effective power to control the violent action of their followers however violent and abusive may have

been their speech. But the Bombay riots dissipated this idea. It was found that even Mahatma Gandhi could not control his followers. What was possible in Bombay, no one could affirm was impossible in Calcutta. And under the circumstances, it seems to me that the Bengal Government could not, and very properly did not take any risks, but prohibited the activities of those who profess to be non-violent, but are really hoping for chaos.

The remedy for these ills lies within the grasp of the non-co-operators themselves. Let them declare and show that they are not outlaws, that they wish to live under the protection and respect the majesty of the law until such law be changed in a constitutional way, let them not defy the Government as long as the Government is exercising powers which it has—then and then only can the Government be asked to withdraw the recent restrictions on the liberty of the subject.

Till then, who can honestly say that the Government deserves a vote of censure?

Rai RADHA CHARAN PAL Bahadur: At the outset, I desire to say that I am as keenly and sincerely anxious for the maintenance of law and order as any member of the bureaucracy, for I do not merely flatter the Government when I say that it is our own interest to see to it that law and order is maintained in the country. But things must sometimes be viewed and approached from different points of view, and unfortunately those who may not agree to all that the Government says or does are sometimes accused of being, as it were, on the other side and in the other camp; whereas if you do not at the same time support the " die-hards " on the other side, you are dubbed by them as a flatterer of the Government or by any other epithet that they may choose to apply to you. As I have already said, it is our own interest to see to it that law and order is maintained. I have listened with very great attention to the speech of Colonel Pugh, and I may say this at once that every citizen of Calcutta, or I may say, every person residing in Bengal, is at one with him that law and order should be maintained in the interest of the people themselves. But he has overlooked one point and that is this: that the ordinary penal law as was explained in the Council of the Viceroy when the Seditious Meetings Act was passed and the Criminal Law Amendment Act was passed by the eminent jurist, the late Sir Rash Behari Ghose, *viz.*, the Indian Penal Code, the Criminal Procedure Code and the Calcutta Police Act already arm the Government with sufficient powers to control any excess on the part of the non-co-operators. I wish Colonel Pugh did touch upon that point and convince the House that the powers are inadequate to control any excess or violence on the part of the non-co-operators. It is well-known that this extraordinary and emergency legislation was introduced at a time when the country generally was seething with the poison of anarchieal and revolutionary activities. I lay particular stress on " anarchieal activity " for the reason that we know very

well that those were the days of the gospel of violence and assassination, of bomb manufacturers, of bomb throwers and what not, and certainly that was the time when Government thought that extraordinary weapons should be forged and employed in order to deal with the anarchists. As far as I find—and my knowledge of Calcutta is as intimate as the knowledge of the Hon'ble Sir Henry Wheeler—I may say this that beyond the simple irritating cries in some quarters of *Mahatma Gandhi ki Jai* or the wearing of *Khaddar* or Gandhi caps or annoying the police, though not by the people going about and asking people to sell *swadeshi* cloths or requesting shop keepers to close their shops on a particular day—which I as heartily and unequivocally condemned as any member of Government (" Hear, hear "),—I do not think there has been much of such excesses as would warrant the assumption of the powers invested in the Government under these two extraordinary Acts. We all know that the genesis of those notifications is the *hartal* of the 17th November, 1921. We all know that and I again say—I say from my own conscience,—that I do not humour the Hon'ble Sir Henry Wheeler, in repeating once again that I deeply deplore the *hartal* of the 17th November and the *hartal* of the 24th December.

I may tell the House that I myself tried to prevent by honest persuasion the closing of the shops in my quarter, but I failed, and failed for what reason? I found that there was a widespread movement to make a demonstration of dissatisfaction with the present policy of the Government. I may say this that to a large number of people it did not, as far as I could gather, after talking to them, mean anything like an affront to the Royal Visitor whom we all acclaimed and whom it was a privilege to welcome in this city; but at the same time they were very much misled in adopting that unfortunate course. I say this most candidly, because many of these men or at least a considerable number of them were within my influence, and further because they did not in the least harbour any desire to offer an affront to the Royal Visitor; it was simply the movement that swept them off their feet and no wonder! Such is the overwhelming sway of non-co-operation in this country that I could not even control my own tenants (" Hear, hear"). That is perfectly true, but they were all non-violent and peaceful, that is to say, they were not forced to close their shops; they said—" when all the country is going in that direction why should we not follow it?" That was their reply. It was done before my eyes; there was no intimidation; none that I know, and assuming that there were isolated cases of intimidation in some places—of course I do not know every little incident that might have taken place from Bagh Bazar to Ballygunj and Circular Road and from Strand Road to Sealdah—if there had been any intimidation and violence, why was not the ordinary law of the land applied? If during the heat of the *swadeshi* movement—that is during the anti-partition days when the Hon'ble Sir Surendra Nath Banerjea and Mr. Bhupendra Nath Basu used to address meetings at public squares and when picketing was freely resorted to in

order to prevent the sale of foreign cloths (" Hear, hear "),—the ordinary law could suffice to check any excesses on the part of the picketeers, why could it not do as well on this occasion? I want to know that (" Hear, hear "). Why did the Government and without just trying the ordinary law, take the extreme step of applying these laws which were on the eve of dissolution?

I repeat that the ordinary law of the land could not have failed, and I have already referred to the opinion of the eminent jurist, the late Sir Rash Behari Ghose on this question. But I will now mention a concrete example. You all know well the stalwart non-co-operator, Babu Jitendra Lal Banerji; was he not tried and convicted under the ordinary law of the land? Why could not the same procedure be followed in other cases as well? If there had been excesses of passive interference on the part of the non-co-operators themselves, the Government measures have led to similar excesses in brutal violence, which I have seen with my own eyes. I have seen peace-loving and innocent citizens from one end of the street to the other ruthlessly and brutally assaulted by the police sergeants. Is that Government. Are we living under the civilized British rule and such a benevolent Government as the British Government? Our heart bleeds to see these sights (" Hear, hear "). If you want to enforce these Acts, by all means enforce them, but why should we, His Majesty's subjects, who are peaceful and law-abiding citizens, be compelled to shut ourselves within our doors and not be permitted to go about our avocation? Does Colonel Pugh call that non-violent? That is not only intimidation but unalloyed brutality. Well, that is the thing that has provoked the deepest feeling of the resentment in the country, and I say this as one who has the greatest stake in the country. I find that the Government is bent upon driving a very large number of people, who are otherwise against the non-co-operation movement, into the camp of the non-co-operators. A greater disservice could not have been done by the Government to the State. Where are the " moderates " now? Even the National Liberal League, the mouth-piece—I should say— of some of our Hon'ble Ministers and the Indian Association, which is the stalwart champion of law and order, have protested against these measures. What does it show? It shows, if it means anything at all, that the feelings of the people are deeply aroused by the wanton excesses on the part of those who are charged with the maintenance of law and order. The country has unequivocally expressed itself on what it feels and thinks on the recent action of the Government—which has been interpreted as an act of unwarrantable aggression upon the fundamental rights of citizenship, the rights of free association and of free speech on the part of the people. Therefore, I think, Sir, that these measures should be withdrawn immediately and that full advantage, if required, should be taken of the ordinary penal laws that exist now; that is to say, the Penal Code, the Criminal Procedure Code and the Calcutta Police Act. Let that be done and let the Council be taken into confidence.

If we find that the worst crimes are committed which cannot be controlled by the existing laws, let the Hon'ble Sir Henry Wheeler take the Council into his confidence; or let a committee be appointed as suggested by Raja Manmatha Nath Ray Choudhury. I do not mean a committee, who have settled views on the other side. Let him now consider the question and take the Council into his confidence. If you want to govern with the aid of the people, let them make their recommendations to Government, on what affects the vital interests of the community, the interest of peace and order, as well as the rights and liberties of His Imperial Majesty's Indian subjects out in this country.

Babu SURENDRA NATH MALLIK: I beg to support the motion of my esteemed friends Rai Harendranath Chaudhuri and others regarding the withdrawal of the repressive measures. I do not, however, like to go into very much detail and that for the simple reason that I cannot convince the Government members. I have no power in me by which I can convince the Government members by any arguments, much less have I got the power of convincing those amongst us who have grown ultra-loyalists. I, therefore, do not like to go into that line at all. For the present moment, I simply oppose the repressive measures and I give the reasons why I oppose them.

The first reason is this, that the occasion for which such repressive measures of high potency are meant is not here in our country at the present moment in spite of all the Government *communiques*, of all the notifications and of all the speeches by all members of the Government. I and the people of my country refuse to believe it, and I am not going to accept all that.

My second reason is that the ordinary laws of the land *viz.*, the Indian Penal Code, the Code of Criminal Procedure and other Codes are good enough for all purposes and the Government need not rush into its armoury to bring out these sinister-looking weapons for the purpose of repressing and squeezing the little spirit that we yet have in our lives. I must oppose that. Under no pretence whatever can I allow the Government to do so, and so long as I live, I am bound to oppose repression in any shape or in any form. Let the Government remember that they are a foreign Government; it is not by these measures that they can command our love and respect, by these weapons they cannot win our love or even our loyalty.

The third reason is this, in the name of law and order, acts of great humiliation and harshness are perpetrated inside the jails; and acts of great violence are committed outside the jails in the shape of arrests, assaults, kicks and all manner of things. It is therefore time that we should set our face strongly against all these treatment and not allow any number of *communiqué* to say: "Oh! this is not a fact it is a tissue of lies, this is only in pursuance of that campaign of lies which has been set up against the Government." We must refuse to listen to all

that. We have our own eyes and we have our own ears. I have seen myself the treatment that is accorded from day to day. I have made inquiries into the treatment that was accorded to the people at Entally; I have made inquiries into the desecration to the old mosque at Mechuabazar—I have done all that myself and I have got the evidence. I have seen myself, in the room in which the high priest was sitting, the marks of the thick heels of the boots of the European constables. They are even now in that room. I am not going to disbelieve all that, simply because the Commissioner of Police says that all this is false or simply because people who are higher than him care to say so.

Then, Sir, the other reason why I support this motion is that, to my mind, it is a most degrading and disconcerting sight that, from morning till night, as you go out in the streets, you see nothing but arrests, persecutions, assaults and all that. Is this what Government ought persistently to carry out for months? In the streets there is nothing but *pakrao*, beat, arrests and take them away. Is this not what degrades the Government from the position of able administrators to the level of a few panic-stricken officers who do not know what ought to be done under the circumstances. You are simply degrading yourselves. Give it any name you like, give it any clothing you like, give it any complexion you like, but the fact remains that you are from day to day degrading yourselves in our estimation and you are reaching a place which ought to be the last place for you to go to. Remember that you are a foreign Government; no foreign Government, at least, could have been better than the British Government because it gave us the power to speak out our minds, to make protests against illegal acts, but these powers that were given have now been taken away from us. You have struck an axe very deep at the very root of our respect and regard for your Government. Mind you that.

Then, Sir, the next reason for which I support this motion and oppose all these measures is that these measures defeat their own object—these repressive laws are defeating their own object. I might say, as a matter of fact, what is happening is this: that they are simply helping the non-co-operation cult to be placed in bold relief before the people to carry on its work with its silent eloquence. That is what you are allowing.

Another reason why I support this motion is that these repressive measures have continued for months together and you have succeeded in generating the idea in the mind of the people that you are doing this only to repress the *swadeshi* movement. We know how the looms of the Manchester mills have been affected; we have heard all that; and if, after the departure of His Royal Highness, or even more than a month after that, you still persist in it, you only lend colour to the belief that is gaining ground in my country, that you are doing it for the purpose of suppressing the use of *khaddar* and the *charka* amongst the masses. In the name of law and order, you are doing it and there is ample

justification on the part of many people, principally the masses, for suspecting your motives. Do not please take steps like these but do things in an able, statesmanlike manner. Try to dispel these things from the popular mind; try to enthrone yourselves again in the same place where you were before; and do not degrade yourselves. These are the reasons why I support this motion and oppose these repressive measures.

On the last occasion during the discussions on the taxation proposals I wanted that Sir Surendra Nath Banerjea should say something about these measures, because I based my opposition on these as a part of a whole. He said that he took my challenge, he came out and spoke but maintained a stated silence on this point: he kept himself deliberately quiet on the question of the repressive policy. We expected his advice and his guidance, but he refused. That is my misfortune. One word more and I am finished. I am strongly opposed to the idea of a committee (" Hear, hear "). The committee is nothing but an excellent means of shelving the question. Do it, or straightway say: "I will not do it," and the matter ends. We are only beggars; this is only a recommendation. Thousands of recommendations from this Council are thrown away every day. Let the country know how you are going to treat our recommendations. No committee—we are sick of committees; we know what these committees mean; and I strongly oppose any idea of a committee.

Then, there are some of my friends who ask for a constructive policy. They say: " What is your constructive policy?" These people perhaps do not know much of that. My constructive policy is this: first of all destroy this poisonous tree from this place and then only you would see mutual trust and confidence arising in its place. First remove this. Show us that you have confidence in us and that is the way of doing it; otherwise there is no question of constructive policy that arises; and the only constructive policy is to have faith in us, to work with us, to listen to us, to accept our recommendations. If you place no confidence in us if you mean to treat us as helots and keep us outside and in such important matters you do not care to consult even those whom you ought to consult, can you possibly want a constructive policy from us? Talk of constructive policy! Any programme of constructive policy that we may suggest, you will surely reject it and scatter it to the winds. I say that what we are going to submit to? We make our recommendation, never mind whether Government accept it or not. The Bihar Government has accepted a similar resolution, because the members there are still as strong as they were in the beginning of their existence (" Hear, hear "). When I went to Simla in September last, we heard from the Hon'ble Sir Malcolm Hailey and the Hon'ble Sir William Vincent, that the general opinion in the Government of India was that of all the Provincial Councils in the country, it was the Bengal Council which was the strongest, because the language used by them was " the most difficul

to deal with." Since September last, what has happened? Only an occasion for giving some appointments to the sons or sons-in-law of some of us and on the first day of this year, an occasion for giving some titles to some of us; and where are we now? ("Hear, hear"). It seems we are perfectly demoralised. I speak it out, I am speaking out to my countrymen and to my fellow-brethren, none of whom has the slightest idea of opposing even a matter like this, I am perfectly sure. I therefore put two points: do not be led away by such ideas that if you oppose this resolution, then civil disobedience will come to-morrow; and that the zamindars will not get their revenue and the debtors will not pay their mortgage debts and so on. Are you going to be scared away by these things? Come out and put your shoulders to the wheel; the mother country wants your help and let us come and have joint action and ask the Government to withdraw these measures, and then the question will be looked up again ("Hear, hear").

Babu DEBI PROSAD KHAITAN: The consideration of the present situation by this House has come up none too soon. Whatever may have been the reasons which impelled the Government to adopt the present policy, there can be no doubt that sufficient experience has already been acquired by them during the months during which this policy has been pursued. I am not one of those who believe that the Government adopted this policy for the sake of inculcating frightfulness, but at the same time Government have got to consider what is the effect of the present policy on the people, for no Government can afford to lose the sympathy of all the people: no Government can carry on its activities by inculcating frightfulness, whatever be the motive, if that be the result of its action on the people. I live very near Harrison Road and I have found how a farce is created at the time of making arrests. People go about shouting, *Mahatma Gandhi ki jai*, they offer themselves for arrest and they are arrested. What is the feeling that is created on the minds of the people when arrests are made in that form? Government far from adding to its prestige loses it. The very object for which arrests are made is lost. There must be discrimination, there must be a considered policy of arrest. The subordinate officers of the police must exercise the strictest discrimination, for otherwise the very object of the superior officers of Government is defeated. In these circumstances, inasmuch as Government cannot afford to lose the sympathy of the public, Government cannot afford to weaken the position of the moderate party, who always rally themselves on the side of law and order, it is necessary that Government should take the moderate party into confidence because without the aid of a portion of the public it would be impossible for Government to carry on its activities. In these circumstances, I submit and I hope that Government will consider the necessity of stopping indiscriminate arrests at once.

Then the question arises of associations and of persons who call themselves volunteers. A fear has spread among the people that all

associations have been declared unlawful. It may be said that t
communiqués and the resolutions issued by Government on the subj
do not declare all associations of volunteers to be unlawful, but it has
be considered what is the effect of these publications on the public mi
It is therefore necessary that the public should be assured that
associations should be examined in order that those not for starting
maintaining civil disobedience may not be interfered with. I say so
the fullest confidence that Government have no desire to stop otl
associations: only Government intend to declare unlawful such as
ciations as have for their object the starting or the maintenance of ci
disobedience. There can be no doubt upon the point that whatev
the civil disobedience may be, whether it is bloodless
not, it is certainly a form of revolution, and I have r
heard a single speaker to-day who is not against civil disobedience. T
whole House is one in supporting the Government in preventing th
form of political propaganda. All that is needed is that there shou
be a free atmosphere in which persons of the moderate party and w
adopt the constitutional methods may go to the country with the
programmes. The hands of the non-co-operators have been strengt
ened by the present policy in that when the persons of the modera
party go before the public they are told—" We have not the right
free speech and that extraordinary laws have been brought into oper
tion to shut the mouths of the public." The time has already cor
when Government should do something to reassure the public, to sh
that constitutional propaganda is not forbidden, that constitution
propaganda is allowed, that all steps for the improvement and develo
ment of the country for further political progress are not forbidden
Government.

There is another matter dealing with persons of position who ha
been arrested. Government should consider one thing that they a
men of position. When a round-table conference is called, as I belie
it will be—it is only a question of time—those gentlemen who are n
in jail will perhaps immediately after release sit side by side with H
Excellency the Viceroy or the Governor and be engaged in considerin
all problems affecting the country. Is it meet that such persons
position and respectability who now go to jail for their political belie
is it meet that such persons should be treated as ordinary prisoner
I say so because I know of at least one case in which a person on accou
of religious reasons cannot take food prepared by other persons and t
privilege of cooking his own food has been withdrawn from him.
hope Government will carefully consider this question and see the
way to take steps so that persons of position and respectability shou
not be treated as ordinary prisoners.

Then, as I have already said, Government should take the modera
party into their confidence, and for that purpose it is necessary that t
suggestion of Raja Manmatha Nath Ray Choudhury should be accepte

namely, that there should be a committee consisting of officials and non-officials who should deal with the situation as it arises and as it has arisen in the country. The committee should contain such gentlemen in whom the public will have confidence. It will not be enough to show that a committee has been appointed if the public have no confidence in them. So, in forming a committee for the future, care should be taken to see that such persons are appointed in whom the public would have confidence, so that all matters dealing with the political situation may be brought before it and Government may have an opportunity of consulting men in whom the public have confidence. I hope the suggestions that I have made will receive due consideration at the hands of the Hon'ble Sir Henry Wheeler and that something will be done before it is too late to reassure the confidence of Government in the minds of the public.

At this stage the Council adjourned for 15 minutes.

After the adjournment.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): The Council has before it four resolutions and an amendment, or practically five resolutions, of a very similar character. They all propose the complete reversal of the policy which Government has recently adopted in relation to the non-co-operation movement, and, with one exception, all propose the release of people who have recently been sentenced in this connection after trial in the courts.

It is obvious that the issue so raised is one of the first magnitude and importance. I do not know what the impression is that is left on the minds of other members from discussions of the kind which we not infrequently have in this Council, but for my own part, I should describe the impression left on me as one of hopeless unreality. From so many quarters we hear speeches which simply refuse to look at the fundamental facts. They just treat them as if they do not exist, and they paint pictures which vary slightly in colour according to individual idiosyncracies, but agree in portraying a state of affairs which is not in accordance either with the facts or the information which we have in our possession. And these essays invariably lead up to one conclusion—that everything Government has done is wrong. I propose, therefore, to go straight to what seems to me to be the fundamental fact, even though I have drawn the attention of this Council to it before, and to that extent may be repeating remarks already made. Now what is the fundamental fact? The fundamental fact is the existence of a movement deliberately designed to paralyse Government. There is no concealment about it; it is gloried in and openly proclaimed by its authors and advocates; there is not the slightest room for doubt. Again, how is it that object to be attained? It is to be attained in the last resort by the practice of civil disobedience, which will bring about the cessation of Government as now existing in this

country, leaving the room open for occupation by the irresponsibl adherents of this movement. That also is a fact about which there i no room for doubt; it is constantly urged and repeated. Again, wha are the means to be adopted? The answer is by the employment c volunteers. We have been told by Professor Mukherji that volunteer merely enlisted themselves as a sign of their disapproval of the repres sive action of Government. What are the facts? I quote from Mr. Gandhi's own words at the recent conference in Bombay:—

He would not stop the enlistment of volunteers for a single moment as that i preparation for civil disobedience * * * * They will have to embark on civi disobedience at a given moment. So they should keep the atmosphere ready for this

That that is the impression of his speech which was left on the mind of his audience we know from a recent letter to the press from Mr. Kun zru, who described Mr. Gandhi as stating explicitly that the enrolmen and training of volunteers for starting civil disobedience must be conti nued. Therefore, getting down to fundamental facts we have the policy, we have the aim and we have the method. Volunteers are to b enrolled under the auspices of the non-co-operation party for the pur pose of practising civil disobedience in order to bring about the ultimate paralysis of the existing Government.

That is the situation not painted by hostile critics, but as painted by the authors of the movement themselves, and it is exhibiting results of which details have several times been given in this Council by His Excellency and myself, but of which I can even now give a few more examples. The situation is one of general disorder and lawlessness, manifesting itself in various ways. We have boycott, intimidation of the loyal supporters of Government, active molestation of Government servants, persistent tampering with the police, dissuading of chaukidars from serving in their normal duties, and a growing quite widespread refusal to pay the chaukidari tax as a first chapter in the book of civil disobedience. We have had fairly frequent examples of resistance to the police and attacks upon them; I need only mention Belgachia, Howrah, Nilphamari, Dacca, Pabna, Titaghar and Serajganj. While if detailed accounts are wanted, I can read extracts from two reports picked up from among papers which in the ordinary course have been before me during the last day or two. This is how the police officer in charge of the Noakhali district describes the situation there:—

As a result of dissemination of seditious matter in the district and propagation of extremely objectionable and false statements against Government by the non-co-operators, the ordinary people of the district and the non-co-operators of the villages in the Begamganj, Ramganj and Lakhipur police-stations have been excited to such an extent that they have started an open campaign against the Government, its officials and supporters, and isolated Europeans and Anglo-Indians, not excepting ladies, by openly insulting them by vile abuse, provokingly shouting and jeering at them, and even at times spitting at them, trying to cause injury and annoyance to them by blocking the public highway——

[I may mention that the Indian Subdivisional Officer of Feni was stopped in his motor car by a mob the other day],

by intimidating chaukidars, daffadars and panchayets, and gentlemen supporting Government by social boycott and directly injuring them physically and causing loss to them in various ways, such as closing of *hâts* and bazaars, stopping payment of legal dues, preventing labourers from cutting their paddy and other specific acts of lawlessness. By the conduct of the inhabitants thereof, the areas have been turned into such a disturbed condition that it has become dangerous to the public tranquility or to the carrying of the ordinary administration of the Government. People are afraid of keeping any connection with the Government, and a wholesale resignation of chaukidars, dafadars and panchayets is apprehended in the near future.

This is from a report of the Commissioner of the Rajshahi Division. He gives an instance of resistance to the police—

. . . in which a crowd numbering about 500 men, many of whom were armed with *lathis*, assembled * * * . The Subdivisional Officer left the cattle (which had been distrained) in charge of a local man as the attitude of the mob was defiant, and he thought there would have been a serious riot resulting in bloodshed if the police had tried to take them away.

In the Kurigram subdivison, both police and Europeans have been boycotted at Lalmonirhat The police seem to have induced the shop-keepers to sell to them but the boycott of Europeans is most successful. A dismissed railway employee is at the head of the volunteers. In Fulbari police-station the police and chaukidars have been boycotted. The only local doctor was prevented from attending the sick child of the sub-inspector by threats and molestation. The Subdivisional Officer reports that there is regular picketing of *hâts* and not only to prevent the sale of Liverpool salt and imported cloth, but even to prevent the sale of paddy except in small quantities worth two or three rupees. There was a riot at Mustafir *Hât* near Tista junction owing to this picketing. People of position are also being boycotted and cannot get rents. The Ulipur *hât was boycotted* * * * * mainly because the naib and his men were supporters of Government. The Subdivisional Officer says that the whole population is under the thumb of the volunteers who are mostly cultivators and often vagabonds. The Congress people who started the movement are now detached from it.

Another report observed that—

. . . the Congress people, having started the movement, cannot now control it, and it is now passing into the hands of local bad characters. Open defiance of Government servants is not being resorted to generally, but the villagers have realised the power of combination and are making full use of the pressure which they can exercise by social and commercial boycott. The Subdivisional Officer thinks that the measures which are being taken are quite ineffectual.

Those are pictures taken from recent reports, which could easily be multiplied, and I put it to the Council that they show a perfectly different state of affairs from what we have heard from various speakers this afternoon. It is simply extraordinary that, in spite of what we *know* has been taking place during recent months, we are still told that, although there might have been a little excitement, it was really not very much, and there was practically no excitement at all until Government intervened.

Now that I have given evidence as to the actual position, what has been the policy of Government towards it? In the beginning it was one of tolerance, and it has doubtless not been overlooked by the Council that

that policy was somewhat curiously described by Sir Sankaran Nair as one of culpable weakness. Into the merits and demerits of that policy, I do not enter. It was deliberately adopted by the Secretary of State and the Government of India, and it has been explained by them. I merely draw attention to the fact that for months and months the policy of Government was what, in fact, certain members of this Council have advocated this afternoon, namely, to do as little as possible and to trust to the good feeling and commonsense of the country to rectify the situation. That policy has been tried up to the eleventh hour, and by every means Government has endeavoured to demonstrate its good faith and earnest wish that legitimate aspirations should be met and the administration of the country continued on peaceful lines. It is not quite correct, as has been stated by Colonel Pugh, that Government did nothing. We did take action in extreme cases, but I admit we did as little as we could do consistently with the punishment and prevention of flagrant breaches of the law. That policy was, however, defied and it failed; and, latterly, in the face of that failure, which has been demonstrated not only in Bengal but in practically every other province in India, Government felt it incumbent upon it to take action under the powers which the existing law placed in its hands, and in accordance therewith struck at these volunteer organizations which were creating all this disorder and were avowedly designed to lead up to the later stage of civil disobedience. I admit that we have endeavoured to break up these volunteer organizations to which all the other movements are really subsidiary, such as meetings, processions, etc., but it was only when matters got to a pitch which could no longer be tolerated that we did so. It is absolutely incorrect to say that everything was peaceful before the *hartal* on the 17th November, and Professor Mukerji would have done well, in recapitulating the voices which he imagines he heard in Calcutta, to have re-called one exultant note uttered from a well-informed non-co-operation quarter—" Here, at last, is revolution."

The action taken by the Government was the application of the existing laws, and I cannot follow the argument which we have heard from several speakers that because the Criminal Law Amendment Act was passed at a time when anarchical crime was prevalent—a state of affairs which fortunately has not yet recurred—therefore Government was wrong in utilising it at the present moment. It is of course true, that Government, when it passed that Act, did not foresee the non-co-operation movement and the activities of Mr. Gandhi. But, surely, if we are to judge of the relevancy of an Act, we should look to the terms of the Act itself. What does it say? It says that an unlawful association is one " which encourages or aids persons to commit acts of violence or intimidation or of which the members habitually commit such acts, " and there is ample evidence to show that the associations which we have proscribed have been guilty of acts of violence and intimidation and that the whole movement, of which these associations are only a part, is

avowedly designed to lead up to violence in the form of civil disobedience. Again section 16 says that associations may be prescribed, if they interfere, or have for their object, interference with the administration of the law and the maintenance of law and order or constitute a danger to the public peace. That is a state of affairs which has been demonstrated over and over again to exist in this province. That being so, we have merely applied the existing laws, and I beg the Council to endeavour to cut itself free from this tyranny of words and domination of phrases. It seems to be thought that the loud reiteration of the word "repression" involves the necessary condemnation of Government. But all laws are repressive. The Indian Penal Code represses the murderer and the thief. Surely the criterion is whether the activities which it is sought to prevent are rightful or improper, and I put it to the Council that this attempt by civil disobedience to paralyse Government is improper, and that it is the duty of Government to repress it. Colonel Pugh, too, has pointed out that the charge of repression is a double-edged one, and when it is brought against Government it should be remembered it can easily be brought against the non-co-operators. Another phrase which we hear so often is "indiscriminate arrests." What is meant by "indiscriminate arrests"? Is it meant that we have arrested many people? It is surely not our fault if many people break the law. Or is it meant that we have arrested innocent people? If the latter, I would ask the Council to consider why should the police go out of their way to arrest innocent people when every day there are lots of people openly proclaiming that they are prepared to break the law in order that they may be arrested and go to jail? The latest actual figure of the arrests made in Calcutta under section 17 of the Criminal Law Amendment Act is 5,209, of whom, 2,868 have been convicted. But as evidence of the spirit in which we have applied this most distasteful policy, may I mention that we have released no fewer than 1,918 people and reduced the sentences of 831 more. I put it to the Council that this is ample evidence that Government is actuated by no spirit of haste or temper with which they have been charged by Mr. Mallik, but have been desirous from the beginning of giving proof of their willingness to grasp at any sign of repentance on the other side.

In the mufassal the figures, which, I would emphasise, are large in seven districts only, show 1,632 arrests under section 17 of the Criminal Law Amendment Act, of whom we have released 241. The arrests have been fairly numerous in Faridpur, Bakarganj, Mymensingh, Dacca, Howrah, Chittagong and Rangpur. These are the actual facts, and I would only further mention the charge, which is so often made, that we wantonly arrest young people. Here is a letter from the Magistrate of Faridpur, and I give his own words:—

It is my standing instruction in this district that mere boys are not to be arrested unless their action is such that there is no alternative. As a matter of fact we regard the employment of mere boys to create disturbances as a proof of the

effectiveness of our operations. It is quite clear that responsible people are not particularly anxious to go to jail, and therefore the device of sending out boys of less than sixteen years of age has been adopted, particularly in Madaripur town, and to a lesser extent in Faridpur itself. In some cases where these boys had become unduly troublesome in the vicinity of the courts and were interrupting business by shouting, the Subdivisional Officer had them shut up in the court's office and released them in the evening at the close of business. This method of dealing with these boys is quite effective. They generally belong to the lower middle classes and are illiterate, and they were under the impression that they would get *swaraj* by the 31st December, 1921, but did not know how it was to be achieved.

I claim that this shows that our officers are most reluctant to resort to such arrests if they can be avoided.

Another point, which I would like to clear up, specially with reference to what Mr. Khaitan has said, is the class of associations proscribed in this way. Mr. Khaitan seems to be under the impression that we have dealt with political associations which in no way offend against the law, and I am aware that there is an impression in other quarters that this is the case. May I in this connection again read out a letter from Faridpur, in which Mr. Hogg says:—

These local Congress Committee rooms and offices in this district were merely halting places or rendezvous for gangs of volunteers who went about preaching civil disobedience. The names used by these officers indicate their real nature. For example, in Faridpur and Palong the notice-board bore the inscription "State Office." I enclose herewith a sheet of the note-paper used in Faridpur with the heading "Faridpur Zilla State Committee." The stamp on the letter, it will be observed, is a similar inscription. In Madaripur the office was really a barrack with a commander's room, officer's room, private's room and punishment cell, all duly marked as such. The volunteers in residence were regularly drilled and a bugle was habitually used. These volunteers were engaged in intimidation, promotion of boycott, and in preaching non-payment of chaukidari taxes. In one case, the office-bearer referred to the local area as "my subdivision," and the smaller offices were generally referred to as '*sena nibas*' or forts. The office-bearers of the committees in charge was engaged in the organization and promotion of the activities of these volunteers or '*senas*' and it is idle for any one to pretend that this sort of things is merely political propaganda of a legitimate type.

That, Sir, is rather a picturesque description of the manner in which the so-called Congress activities are actually being carried on in the district of Faridpur.

To sum up, I have endeavoured to show the violent objects of the movement with which we have to deal; I have endeavoured to show its violent methods, and I have endeavoured to emphasise that these volunteers are being recruited for no other purpose than that of bringing about civil disobedience. I have given briefly the evidence of the facts. I have referred to the previous policy of Government and its failure, and have explained the policy which Government has latterly been forced by the course of events unwillingly to adopt. Lastly, I have given instances to illustrate the manner in which Government and its officers have been applying that policy, in no spirit of vengeance or temper, but very reluctantly and with every wish to give every opportunity to the other

side to demonstrate their willingness to amend their ways. That being so, I am entitled to ask the Council to negative these resolutions which merely propose that Government should resile from this policy. If this is not to be the policy, I ask the Council what is the alternative? We are all at one in desiring that the present state of affairs should cease—we are all at one in wishing to see peace and happiness restored to this province, but how can that be done? We say we must restrain the people who are seeking to disturb the peace. If not, what is the alternative? I can mention one obvious alternative. If Mr. Gandhi withdraws this mischievous propaganda with which he is inflicting the country, peace can be restored to-morrow. But will he? There is another means, that would at least help greatly. This Council can deprive the movement in this province of a great deal of its moral support by pointing out the real facts to the people, explaining to them what the position is and trying to clear their minds of prejudices and misstatements. Let the people know that it is the bounden duty of Government to see that peace is maintained. Let the people know how Government is merely discharging that duty.

The task before Government at the present moment is a most distasteful one. It is obvious that it is no pleasure to His Excellency the Governor, during the last few weeks of his office, to have to carry out a policy of this kind. It is equally obvious that, though I am often called a bureaucrat, it is no pleasure to me, within the last few weeks of my connection with this province, to be associated with a policy of this kind. It is because the task is so distasteful, that we have a right to ask the Council to support us and not merely to meet us with criticisms of everything we do, and to demand, in the face of the risks which are before us, that we should capitulate and allow free scope to those who are seeking these avowed aims. I was interested to hear from certain quarters this afternoon the suggestion that Government might possibly do more to take the Council into its confidence. I think myself that on all the occasions when either His Excellency or myself have had occasion to address the Council, we have laid the facts before it with the utmost frankness. But if anything more can be done in that way to enlist the support of the Council and to demonstrate that our actions have been reasonable and well advised, I should be loth to refuse. I have no objection on the part of Government to discuss this matter with representative non-officials, whether they are called a committee or not. I am not prepared to accept these resolutions, but if such a committee were appointed, I should endeavour to explain to them our reasons for the action we have taken, which I could then do at greater length than is possible in a speech here. I am perfectly willing to discuss with them, too, any alternative suggestions that they may lay before us for dealing with this problem. After all it is no good saying, "Do nothing." We did little or nothing for many months. But if the Council can put forward any alternative suggestions I have not the least objection to

meeting the committee and listening to what they say. If desired, I can move that suggestion as an amendment, which possibly may do something to meet this wish that has been expressed, or at any rate it may do something to make clear to the Council what the facts are and for what reasons we have been forced to take the action which we have taken, but, apart from that, I cannot, on behalf of Government, agree to the solution embodied in these resolutions to the effect that we should cancel all our present orders.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): Will you please let me know in what form you wish to move your amendment?

The Hon'ble Sir HENRY WHEELER: It is this "That this Council recommends to the Government the appointment of a non-official committee of the Council to discuss the present situation in Bengal and the means of dealing with it."

Rai RADHA CHARAN PAL Bahadur: May I inquire one thing? Will the Government be pleased to accept the recommendations which the Committee might make?

The Hon'ble Sir HENRY WHEELER: Certainly not, if we do not agree. I am willing to explain the facts to them, and listen to anything which they have to say; and to discuss any suggestion which they wish to make for meeting the situation in a different way.

Rai RADHA CHARAN PAL Bahadur: I am glad that the position is explained.

Rai HARENDRANATH CHAUDHURI: Under rule 27 of the Rules of Business, I object to the amendment being moved at this stage.

The DEPUTY-PRESIDENT: I allow the amendment to be moved.

Babu SURENDRA NATH MALLIK: May I inquire whether the Government have further facts in their possession which they have not given us yet.

The Hon'ble Sir HENRY WHEELER: I can obviously explain the facts at greater length to a committee than it is possible for me to do within a half hour's speech.

The amendment was then put and lost.

The following resolution, as amended by Kumar Shib Shekhareswar Ray, was then put:—

"That this Council recommends to the Government that the notification of the Government of Bengal for applying the Criminal Law

Amendment Act of 1908, as amended by the Devolution Act of 1920 and the Prevention of Seditious Meetings Act, 1911, and the notification of the Commissioner of Police, Calcutta, issued on the 20th November, 1921, under section 62A, clause (*4*), of Bengal Act IV of 1866, and section 39A, clause (*4*),of Bengal Act II of 1866, prohibiting processions and public assemblies, be withdrawn and that persons sentenced under the first two Acts and the aforesaid sections of the latter two Police Acts be immediately released."

The motion being put, a division was taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Khan Bahadur, Maulvi Emaduddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Mr. Syed Erfan.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Chaudhuri, Sir Ashutosh.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Dutt, Mr. Ajoy Chunder.
Dutt, Rai Bahadur Dr. Haridhan.
Dutta, Babu Indu Bhushan.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Hussain, Maulvi Muhammad Madassur.
Janah, Babu Sarat Chandra.
Karim, Maulvi Abdul.
Karim, Maulvi Faziul.
Khaitan, Babu Devi Prosad.
Khan, Maulvi Hamid-ud-din.
Khan, Mr. Razaur Rahman.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Moitra, Dr. Jatindra Nath.
Mukharji, Babu Satish Chandra.
Mukharji, Professor S. C.
Mukhopadhya, Babu Sarat Chandra.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Pal, Rai Bahadur Radha Charan.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Krishna.
Roy, Babu Nalini Nath.
Roy, Mr. Bijoy Prosad Singh.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Sailaja Nath.
Sarkar, Babu Jogesh Chandra.
Sarkar, Babu Rishindra Nath.
Sinha, Babu Surendra Narayan.
Suhrawardy, Dr. A.
Suhrawardy, Mr. Huseyn Shaheed.

NOES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ali, Maulvi R. J. S. M. Hossain.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Das, Babu Bhismadev.
DeLisle, Mr. J. A.
Duval, Mr. H. P.
Farequi, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Goode, Mr. S. W.
Hopkyns, Mr. W. S.
Huntingford, Mr. C. T.
Kerr, the Hon'ble Mr. J. H.
Khan, Maulvi Md. Rafique Uddin.
Lang, Mr. J.
Larmour, Mr. F. A.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble
Mitter, the Hon'ble Mr. P. C.
Nakey, Mirza Muhammad Ali.
Poddar, Babu Keshoram.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abd-ur-.
Robinson, Major-General W. H. B.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Rai Bahadur Lalit Mohan Singh.
Skinner, Mr. H. E.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Suhrawardy, Dr. Hassan.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 50 and the Noes 36, the motion was carried.

The DEPUTY-PRESIDENT: As amendment No. 3A is a comprehensive amendment and includes items Nos. 3, 4, 5 and 7, I need not put the other resolutions to vote. They all fail.

Adjournment.

The Council was then adjourned till 3 P.M. on Wednesday, the 1st February, 1922, at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Wednesday, the 1st February, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 92 nominated and elected members.

Unstarred Questions

(answers to which were laid on the table).

Child mortality in the Eden Hospital, Calcutta.

118. Babu BROJENDRA KISHOR RAY CHAUDHURI: (*a*) With reference to the statement made in the answer to my unstarred question No. 10 of the 21st November, 1921, that "the labour cases admitted to the Eden Hospital consist mainly of poor and homeless women, and the infantile mortality is due to the prevalence of syphilitic disease and to the poverty and insanitary surroundings of their lives," will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to lay a statement on the table showing, for the last three years, the number of such—

(*i*) homeless women; and

(*ii*) other women;

admitted to the Bengali Labour Ward, in the Eden Hospital?

(*b*) Will the Hon'ble the Minister be pleased to state whether the establishment of an extern clinic in connection with the Eden Hospital, referred to in the above answer, has been carried out?

(*c*) If so, will the Hon'ble the Minister be pleased to make a statement as to the work done in it, in so far as the Indian section of the population is concerned?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): (*a*) (*i*) and (*ii*) Exact figures are not available, as admissions are not recorded on this basis.

(*b*) and (*c*) The acting Principal's (Lieutenant-Colonel Barnardo's) scheme has, so far, not materialised; as it is dependent on the provision of residential quarters for the House Surgeons and the building of the Eden extension, of which the extern Maternity Department is a part.

Primary Education.

119. Babu BROJENDRA KISHOR RAY CHAUDHURI: Will the Hon'ble the Minister in charge of the Department of Education be pleased to make a general statement showing the progress of primary education under the Bengal Primary Education Act of 1919.

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): The statement annexed gives figures for the progress of primary education from 1919-1921. It is impossible to show how far these figures are affected by the Act referred to, but the work done under the Act is so far of a preliminary and preparatory nature, and does not include any visible expansion of primary education.

Under this Act, Government called for certain reports from municipalities in Bengal. The results are indicated in paragraphs 4 and 5 of Mr. Biss' report on the expansion and improvement of primary education.

The possibility of advance under the Act is examined in this report, which is now under the consideration of Government, and has been published in English and Bengali for criticism. When finances improve, Government will be able to plan advance; in the meantime, eight municipalities have accepted schemes prepared by the special officer: of these, Government have sanctioned one and the rest are under consideration.

Several district boards have drawn up experimental schemes for free primary education in certain union board areas. Of these, those for three union boards in the Khulna district have been sanctioned, and the schools have been opened.

'*Statement referred to in the reply to unstarred question No. 119a) showing the number of pupils in Primary Schools for 1919-20 and 1920-21.*

Particulars.	Males.	Females.	Total.
1919-20.			
In schools managed by Government.	3,878	2,822	6,700
In schools managed by local funds and municipal boards.	1,18,750	1,210	1,19,960
In schools aided by Government or by local or municipal boards.	9,28,638	2,13,387	11,42,025
In unaided schools ...	1,01,122	40,007	1,41,129
Grand total ...	11,52,388	2,57,426	14,09,814

Particulars.	Males.	Females.	Total.
1920-21.			
In schools managed by Government.	3,387	2,875	6,262
In schools managed by local funds and municipal boards.	1.20,455	2,230	1,22,685
In schools aided by Government or by local or municipal boards.	9,49,661	2,27,758	11,77,419
In unaided schools ...	1,08,028	42.471	1,50,499
Grand total ...	11,81,531	2,75,334	14,56,865

Resolutions

(under the rules for the discussion of matters of general public interest).

Alleged acts of lawlessness by police on public.

Maulvi A. K. FAZL-UL HAQ being absent, the following resolution standing in his name failed:—

"This Council recommends to the Government that a committee consisting of officials and non-officials, with a non-official majority, be appointed to inquire into the alleged acts of lawlessness and oppression committed on the public in Calcutta by the Military, Police and Civil Guards during the week beginning on the 24th December 1921, with instructions to submit their report by the 15th February, 1922."

Introduction of "charka" and hand-spinning in recognised institutions.

SHAH SYED EMDADUL HAQ being absent, the following resolution standing in his name failed:—

"This Council recommends to the Government that immediate steps be taken to introduce *charka* and hand-spinning in every aided and recognised institution."

Zamindars and Tenants in Nadia.

Mr. SYED ERFAN ALI: I move that "this Council recommends to the Government that a committee be appointed, consisting of official and non-official members of the Council, with a non-official majority,

to inquire and report upon the causes which have resulted in the serious tension of feelings existing between the zamindars and their tenants in the district of Nadia and portions of the adjoining districts."

In moving this resolution, first of all, I must let the members of this Council know that the position of the tenants of Nadia and portions of its adjoining districts is in certain respects quite different from that of the tenants of other districts of Bengal. From the beginning of British rule and of granting the permanent settlement to Bengal, the position of the tenants has not improved a bit nor do they enjoy the boon granted to them by the Government. The reason being that in the earlier part of British rule some indigo planters started their business in these districts and with the connivance of the zamindars were taking advantage of the goodness and weakness of the poor tenants. In short they are the root cause of a special kind of tenancy which goes by the name of *utbandi* and by which lands are settled with the tenants for a short period without giving any right to them. On account of this obnoxious system, tenants may hold the same land for generations, yet no right to the land would accrue to them; moreover, the zamindars used not to grant any receipts to the tenants of the *utbandi* lands for the rents collected from them. This is the general custom, but there may be exceptions in certain cases. Owing to the zamindars taking advantage of this *utbandi* system, there has all along been a tension of feeling between the zamindars and their tenants. The tenants of the district being very poor, have all along been suffering meekly. Now the trouble began when the settlement operations were started in the district of Nadia. It will help the Council to understand the situation better if I be permitted to read the report of sub-committee appointed by the *Nadia Anjaman*. This *Anjaman* decided, in a meeting held at Krishnagar on the 15th April, 1917, under the presidency of the Hon'ble Nawab Syed Nawab Ali Chaudhuri, Khan Bahadur, at the palace of the Maharaja Bahadur of Nadia, " that in view of the fact that some allegations have been made by a large number of tenants against certain zamindars of the district, a sub-committee be appointed to inquire into the matter," and, accordingly, a committee was constituted and inquiries made and a report was submitted. In its note, the members of the said Committee state—

> . . . the fact in the report will make some startling disclosures and in the best interests of the State and the people, we have deemed it desirable to make them known to Government. We do not vouchsafe the truths of all these allegations except those which are based on documentary evidence, but the magnitude of the allegations are serious enough to demand an urgent inquiry into the matter.

Let me be permitted to read the report which is full of important information based on documentary evidence, which I am sure, will convince the Council to the hilt about the oppressions of the zamindars and especially the Midnapore Zamindary Company, Ld. Though this report was submitted in 1918, the situation instead of improving is rather

getting worse day by day. The cases mentioned in this report are not all. I have at this moment in my possession documents that hundreds of section 145, Criminal Procedure Code, cases are pending in different Courts in the districts of Nadia, Rajshahi and Murshidabad. Allow me to read one of the printed petitions of the Midnapore Zamindary Company to give you an idea how even to-day things are going on.

Here is the printed order on the petition filed before the Sadar Subdivisional Officer, Rajshahi, dated the 4th January, 1922, which reads as follows:—

Emperor *vs.* (*1st party*) Krishna Chandra Sarkar at padampur, police-station Bagha, on behalf of Midnapore Zamindary Company, Ltd., Saratulla Sarkar (Amin) of Abdullapara, police-station Bagha, for Midnapore Zamindary Company. (*2nd party*); Dholai Dafadar and 108 others of Thotorpara and others, police-station Bagha.

Whereas it appears from the report of the sub-inspector of police, police-station Bagha, dated 17th December, 1921, that a dispute exists between the abovenamed parties in trying to establish their act of possession about 787 bighas of lands as per boundaries and settlement plot Nos. which are given below in mauza Bajumara, police-station Bagha, within the local limits of the jurisdiction of this Court, and thereby likely to commit a serious breach of the peace and disturb the public tranquility, it is hereby ordered that both parties shall appear before me in person or by pleader at Rajshahi on the 18th January, 1922, at 10-30 A.M. and put in written statements of their respective claims in respect of the facts of actual possession over the lands in dispute.

The disputed land is hereby attached pending the decision of this Court.

There is another set of section 145 cases (Midnapore Zamindary Company *versus* Amanal Pramanik and 250 others) and the date of the appeal of some of these cases is to-day before the Hon'ble Justices Walmsley and Suhrawardy and the fate of these poor tenants is now hanging in the balance. This is not all, Sir, there are hundreds, I may call it thousands of section 107 cases pending before different Courts as I am informed. I should take advantage of reading a portion from the *Hindu Ranjika*, a Bengali weekly from Rajshahi of the 15th January, 1922, about a sensational arson case against the employees of the Midnapore Zamindary Company. It is a very recent case and is just pending before the Court of Justice.

It is as follows:—

A case of house burning.

One Naijuddin Muttabar of Mriddha Char, Ramkristopur, has lodged a complaint in the Criminal Court to the effect that Bhugol Chandra Biswas, a Tahsildar of the Midnapore Zamindary Company, set fire to his (complainant's) house on 24th December, 1921, with the help of two men under his influence, *viz.*, Shahadat Halsane and Kapiluddin Munshi on account of various quarrels that the Company were having with their tenants. The said fire has totally destroyed 12 houses (thatched huts) belonging to the complainant and his brother and has further caused a loss of 1,100 maunds of paddy, 15 head of sheep, 35 fowls, one cow and sundry other things. The accused were seen by many people while they were running away after causing the said fire to Bhugol Biswas's Katcherry where they took shelter. The Subdivisional Officer recorded the complainant's deposition and has fixed 17th January, 1922, for the examination of witnesses. We shall know the result of the case in due course.

Will there never be an end to the tyranny that is being practised on behalf of the Company on the poor tenants? Practically every day a new case is being filed in this connection. It is highly desirable that there should be an end to this unhappy state of affairs at an early date.

I have with me hundreds of applications from the tenants relating to their grievances and asking me to move them before this Council. It is rather hard for me to read them all. I have an application signed by a large number of tenants putting forth 71 items of their grievances against the zamindars. Permit me, once more, to read a memorial submitted to His Honour Sir Andrew Fraser, the then Lieutenant-Governor of Bengal. The memorial reads as follows:—

TO THE HON'BLE SIR ANDREW FRASER, K.C.S.I.,
Lieutenant-Governor of Bengal

The humble memorial of the undersigned residents of Mouzahs Prayagpur, Moyrampur, Dharm Daha, Goalgram, Garura, Madhugari, Sehalla, Bilgatua, &c.

MOST RESPECTFULLY SHEWETH—

That we, the undersigned inhabitants of the villages of Prayagpur, Dharam Daha, Goalgram, Garura, Madhu-Rukunpur, Gachardiar, Bhurka Joyrampur, and Dalluah, etc., in the subdivisions of Kustia and Meherpur in the district of Nadia, beg most humbly and respectfully to bring to your Honour's kind notice and perusal the following few lines of our grievances with full hopes of getting them redressed.

That we have been subjected to constant violence and cruel oppression by Mr. C. B. Gregson, the present Zamindar of late Robert Watson & Co of Sikarpur Factory, in the subdivision of Meherpur, and also by Mr. M. M. Crawford, the present manager of the said factory with numbers of his subordinates.

That we have repeatedly brought these facts to the notice of the Subdivisional Officer, the District Magistrate and Collector, the District Superintendent of Police and the Divisional Commissioner, who thereupon, were all present at the place of occurrence and held a local inquiry. But in spite of this, there is not the least check on the part of the oppressors and they have grown still more furious and since then Mr. Crawford has been cruelly harrassing us in thousand ways by appointing one Kedar Nath Bagchi as Naib and has also appointed many clubmen at various places thereby to obstruct our passage and would neither allow us nor our cattle to come out of doors and would often drive our innocent cattle into the pound from the road and pasture ground making us thereby to suffer great loss.

That we applied to the District Magistrate of Nadia to take proceedings against Mr. Crawford under sections 107 and 110 of the Criminal Procedure Code, which application has not been disposed of.

That the standing crops in our fields have many times been destroyed by their cattle intentionally let loose on our fields by the zamindar's men and looted away by them with the help of clubmen, who are always trying to harass us by such oppressive measures and by framing false charges against us.

That we are often harassed by the said zamindar's men preferring false charges against us in the law courts.

That they are taking away the lands from the existing tenants and settling them with others on enhanced rates who are made to agree to pay higher rate against their will so that they are exacting rents as also an *abwab* at annas 4 per rupee with

force and violence without granting any regular receipt, and when they grant any receipt in it they would neither mention the amount nor the manner of holding nor the area of the land.

That they refuse to take rents direct from us but realise them by means of legal process at every instalment.

That Mr. Crawford has imposed an increased rent on *mokarari-mourasi* lands, and the rents of other lands, such as, banks of river, marshy lands, etc., have also been increased from Re. 1 to Rs. 2 and Rs. 2-4 per bigha.

That owing to our refusing to pay such high rates of rent Mr. Crawford is molesting us in various ways by taking away our cattle and destroying our crops.

Failing to get justice at the hands of the local authorities, we venture to approach your Honour with full hope that your Honour will be graciously pleased to inquire into the matter and to call for the records of the cases and thereby redress our grievances—for which we entirely depend on your Honour's mercy to decide and to pass favourable orders in order to lessen our distress. For which act of your Honour's kindness, we, as in duty bound, shall ever pray.

This memorial was submitted on the 10th February, 1904. Then, Sir, there is the report of *Anjaman* which says that this inquiry was held in 1917, and the report was published in 1918. Now let me read *in extenso* the short report of the committee appointed by the *Nadia Anjaman* which, I am sure, will give you a vivid idea of the whole affair.

This is an extract from the report.

'The survey and settlement operations, under Part II, Chapter X, of the Bengal Tenancy Act commenced in these localities at about *Bhadra* or *Agrahayan* 1322. The tenantns were asked to record themselves as holding under *utbandi sankararai* system which prevails in some parts of the Nadia district. The tenants, who, as they say, have been holding these lands for many many years in the same rate of rent, did not agree to it. It was, however, settled that the tenants would not go to the Settlement Officers, partly to oblige the Sahebs and partly through fear of possible troubles. But the Settlement Officers were not to be satisfied. They served the tenants with notice. Even then they will not come. They were fined which brought them to their senses, and it was then that they began to present themselves before the Settlement authorities In these proceedings the Midnapore Zamindary Company asserted that the raiyats are holding under *utbandi* system to which the tenants stoutly objected They claimed that they had been holding the land for a number of years, not certainly under *utbandi* system. It is interesting to note in this connection that in the *parchas*, which the tenants received, they were mostly entered as raiyati or settled tenants, but the entries in these *parchas* were very greatly changed or modified later on, and names of other claimants were entered, the nature of the tenants' rights also undergoing changes. The matter went up to the Director of Land Records, Bengal, for decision, in appeal No. I of 1916-17, and as appears from his decision, the question as to how these lands are to be treated *utbandi* or otherwise, was left open in all these villages till the question of its treatment is finally decided by Government, till that decision is finally made the apportionment of the rights as between the disputing parties could not be definitely determined. Under the Bengal Tenancy Act, no tenant can be ejected without the intervention of the Court of Law and if the Government finally decides in favour of the raiyats holding that the *utbandi* system is not prevalent in these areas, the tenants cannot under any circumstances be ejected without due cause being shown and without the intervention of the Court of Law. It is also still an open question as to whether tenants holding under *utbandi* system could be ejected at the mercy of the landlord without the aid of

the civil court. It may, however, be mentioned that during settlement operations, all these tenants got *parchas* showing that they are actually tenants in possession and are all cultivating raiyats in respect of these lands. It is alleged that the Midnapore Zamindary Company's men with a view ostensibly to forcibly obtain the consent of the tenants and to put pressure upon them, began to commit all sorts of acts by forcible and surreptitious sowing of indigo seeds, threatening the tenants sometimes even before the Settlement authorities and getting up convenient claimants to these lands, etc.

The following extract from the decision of the Kanungo in dispute No 24 of Bangaon would throw some light on this point:

I then began to take evidence for each disputed plot and called out whether there was anyone else who claimed the land. In some cases the tenants came forward, but none could show any ail for their respective lands, but pointed out some indefinite lands amidst the fields. At the time of taking witnesses and inquiry, Company's men and servants began to threaten the petitioners in my presence. The Company's Agent then argued that none of the petitioners had any land in this *char*, and in support, the Agent said that there was a settlement with the tenant in 1316 for five years and he will produce map and *chita*, etc., with tenants' finger impressions and signatures. I then asked them to submit these papers immediately before me in my camp and returned to my camp, fixing dates of inquiry on future dates afterwards. I again went for further inquiry, still then the Company did not give me any name, nor produce their tenants to show *ails*, but some tenants also disputed the claims of the petitioners. Even that day they were saying that they were persons who did grow *kalai* and when they were asked to show me their respective lands, each of them only said that he had so many cottahs in breadth to the east of such tenant, but when anyone all on a sudden was asked to show me where his land was, he could not show any specific land to be his. Good many such claimants on the side of the Company were so tested but no one could satisfy me with the demarcation. Once some tenants tried to show the *ails*, but at different times, different places were demarcated by the same land at different times, but when anyone was asked to let me know who was his neighbouring cultivator, each one was ready to say all the names of the cultivators, east and west of him till the end of the mauza, but none could show his *ail* except his breadth. From all this I was convinced that they have got it by heart.

I forgot to mention one important point in connection wth this, that is, at the time of Khanapuri Yusuf and Tasil, two brothers,and another tenant (his name is illegible for the present), who sold their *kalai* to a merchant who came to take the *kalai*, but he was detained by Company's Halsana on the ground that the sellers, Yusuf and Tasil and others, have not as yet cleared off their rent to the Company for land of the *kalai*, and until they pay all their rent the purchaser will not be allowed to take away *kalai* and thus the sellers were compelled to clear off the rent at the very moment, and the purchaser was then allowed to take away *kalai* and this matter was brought to my notice by my Amin; the next day I met the Amin.

The *Anjaman* report then continues:—

The tenants submitted a series of petitions making allegations against the Company of a most serious character, and also against the local police with whose help, as is alleged by the tenants, the Company's men have been able to extend their operations to the extent to which it is so alleged. Consulting the receipt files and other papers it seems that 28 petitions were sent to the Commissioner of the Presidency Division in September, 1916, 45 petitions were sent to the Magistrate of Kushtia from March to December, 1916, 18 in August to the Deputy Collector of Kushtea, 37 to the Collector of Nadia in January, May, August, and September, 1916, 6 to the Sub-Inspector of Police in September, 1916, 77 petitions to His

Excellency the Governor of Bengal in March, October and December, 1916, 32 petitions to the Magistrate of Nadia in September and December, 1916.

Various allegations were made against the men of Midnapore Zamindary Company and also against the police in these petitions and some of these allegations are:—

That the Company have been harassing the tenants in possession by setting up got-up tenants and servants to put in disputes in settlement proceedings.

That being defeated in their objects owing to impartial decision of the Settlement Officers, the Company, with a view to injure the tenants in possession and with the help of the local police and of these got-up men, got the raiyats' crop and paddies attached, looted a part of it, only keeping a small fraction of the total yield in custody of a third person.

That the tenants have been starving owing to their crops being taken by the Company or men in connivance with the Company.

That the Company with a view to the ulterior objects surreptitiously scattered indigo seeds on the lands in possession of the tenants where they have already grown *kalai*.

That the Company have ordered the Company's men to destroy *kalai* crops by allowing cattle to graze on these lands.

That they have forcibly impounded cattle from the lands in possession of the tenants.

That they have been harassing the tenants by not accepting rents, though the tenants were willing to pay rents to them and by instituting rent suits in every instalment.

That they have been getting up false claims and civil and criminal suits.

That the Company have forcibly stopped the grazing of cattle in pastures and also stopped these cattle to go to the river for drinking water.

That they have been getting up false papers with a view to destroy the tenancy rights in settlement proceedings.

That they have been alleging *uthandi* system as prevalent in those lands where the Zamindary Company have been receiving rents, even if they remain fallow.

That the Company have got the police to attach *Kalai* crops of lands in possession of the tenants and thereby greatly caused damage to the tenants.

That cultivation has been stopped in about 6 to 10 thousand bighas of land.

Though the tenants in all these villages received *parchas* showing that they have been tenants in possession, and though it was the tenants who sowed *kalai* crops in these lands, and thus the crops belong to the tenants only, whatever dispute there may be as to the incidents of the tenancy rights between the landlord and the tenants, it is alleged that the crops are being damaged by cattle, requisitioned in service of the Company and partly looted by Company's men and the rest attached by the police; that the tenants have been deprived *in toto* of the crop and to crown all they have been directed not to approach the lands in dispute on penalty of criminal proceedings.

Nobody yet knows the result on these petitions, though definite allegations were made in these petitions and were subscribed by a large number of tenants.

In the meantime war had already broken out in Europe, and greatly strangled the supply of indigo for purposes of industry.

[Here the member reached the time-limit, but was allowed seven minutes to finish.]

Efforts were made for preparations of synthetic indigo owing to scarcity of natural indigo. Prices went enormously high, and indigo production became a highly profitable concern. The growing of indigo crops has practically ceased in the districts of

Nadia and Pabna and indigo traditions have almost become extinct. To the Company, it was a golden opportunity if they could produce indigo in these lands. It seems that they were extremely desirous that the tenants should cultivate indigo and sell it to the Company at the price fixed by Company's men. The tenants were not agreeable. The decision of the Director of Land Records blocked the way of the company in getting *khas* possession at once, with the result, as is alleged, the company's men have been trying in various ways to put pressure upon the people.

Now comes for the first time the series of criminal cases and proceedings which have brought the tenants to a state of feeling known only to those who have ever come within the meshes of protracted periods of litigations.

Let me now give you a few instances—

The cases against the tenants brought by Company's men were mostly decided against the tenants and they were almost all convicted or bound down, and the cases instituted against the company's men were mostly dismissed under section 203, Criminal Procedure Code, *i.e.*, without even summoning the accused.

A number of the cases against the tenants was tried under summary power, and the tenants had no right of appeal.

Only one such case was tried by Maulvi Fazlur Rahman, Sub-Deputy Collector, who acquitted the accused and who did not try any other case, as no other case was sent to his file.

Cases Nos. 20, 21, and 22 were instituted on the same day by different men of the company against different tenants making almost the same draft and the same allegations showing community of purpose somewhere.

Though proceedings were drawn up under section 145, Criminal Procedure Code, and parties were asked to file their written statements and the crops were attached and kept in custody of a third person, until further orders, the proceedings were allowed to be dropped as the police conveniently reported that there was no apprehension of breach of peace at the time. These proceedings would have finally decided the question of possession so far as the criminal courts were concerned, as whatever dispute there may be with respect to the title, the tenant cultivated these plots and the crops belonged to them.

Curiously enough, no order was made with respect to the crops, though the proceedings terminated. The tenants were thus practically deprived of their crops

Though the police seems to have reported that there was no apprehension of breach of peace as per order sheet dated the 7th September, 1916, eight persons, on behalf of the tenants, were ordered to execute a bond of Rs. 100 with one surety each for the same amount to keep the peace for one year, in default to suffer simple imprisonment for the same period, on the 28th of the same month. The tenants filed a petition before the Collector in Criminal Motion No. 1 of the 4th quarter, 1916, and the following is an extract from his judgment:—

"No doubt the evidence for the prosecution is somewhat meagre and the witnesses cannot be said to be altogether reliable; there are two parties among the villages, but on a general review of the situation, it seems to me that the Subdivisional Magistrate is right in taking surety from the applicants as a safeguard against future breach of the peace. The Dewan of Harisankara and other important witnesses should have been examined on behalf of the prosecution, but as explained above, I do not feel justified in interfering with the order."

Judgments in some criminal cases are based on the curious ground that the fact of indigo plants shows company's possession, in spite of the hundreds of other possibilities specially in the face of allegations about surreptitious sowings. It is admitted in some that the tenants grew crops in the lands last season; how they were dispossessed is not known to any body. So long as the settlement operation

is not complete and it is not proved by any document that the land in dispute is in possession of the accused persons, the presumption should be in favour of the Zamindary Company, when it is proved that there is indigo in it. Such is the general argument.

In a number of these cases, the police or the Sub-Inspector has shown the greatest zeal, either by just happening to be on the spot when the occurrence takes place or almost immediately after, though the distance from the police-station is several miles.

[The additional seven minutes having expired, the speaker had to resume his seat.]

In the absence of the mover, permission was granted to Maulvi Ekramul Huq to move the following amended resolution:—

Maulvi EKRAMUL HUQ: I move that "this Council recommends to the Government that a committee of seven members, five of whom to be elected by this Council, be appointed to inquire into the causes of unrest prevailing among the tenants of the Midnapore Zamindary Company in the districts of Murshidabad and Nadia, and to suggest remedies."

As you will find, an inquiry has been asked for into the causes of unrest prevailing among the tenants of the Midnapore Zamindary Company. I think it is known to most of the members here who this Zamindary Company is. As far as I know, this company is chiefly formed by British subscribers and is also managed by British managers. From this, you will certainly expect that the company would be a model company and they must have made improvements on their lands to benefit their tenants. You will certainly expect this company to have started improved methods of cultivation, establish model farms and introduce co-operative societies within their zamindary; but I may tell you that when the Rev. Mr. Wheeler, Principal of Berhampore College, tried to introduce co-operative societies within the jurisdiction of this company, this company was the first to raise the strongest opposition and hamper the movement. I hope, Sir, that it will not be supposed by European and Anglo-Indian members present here that this is a racial question. They should remember that this company has done absolutely nothing to ameliorate the condition of their tenants in the district of Midnapore, Nadia or Rajshahi. Further, the tenants of mahal Bagdanga, in the district of Murshidabad, were some years ago the tenants of the company who held *ijara* under the Nawab Bahadur of Murshidabad. The tenants prayed and entreated the Nawab not to renew the *ijara* simply because they could not bear the oppressions of the Zamindary Company.

Kumar SHIB SHEKHARESWAR RAY: We are discussing affairs in Midnapore, I suppose.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): It is not only Midnapore, but also the adjoining districts.

Maulvi EKRAMUL HAQ: These entreaties had the desired effect and the Nawab did not renew the *ijara* to this company. The tenants straightaway and of their own accord gave an increase of two annas and more to the Nawab, and at present they are quite a contented people. I hope this as well as other facts will convince the members here that this is not in the least a racial question.

With regard to the question of *utbandi*, I beg to say that it was with a view to enable the indigo planters to take possession of all the land they wanted, that this system was started in days gone by. This is also the view of Mr. Pringle of the Indian Service. I need not tell you what oppressions the tenants had to suffer at the hands of these planters—the company being a remnant of the race. You know also how the Rev. Mr. Louis had had to suffer imprisonment because he took up the side of the poor people during the revolt against indigo planters.

Besides the cases of oppression cited by my friend who spoke before me, I may be permitted to say that it is not unknown to the Hon'ble Member for Government that there was a Munsif's Court in Goas within this Zamindary, and when the buildings were burnt this company took care to see that no court was rebuilt there, and they succeeded in their efforts, and does not the Government know why the Munsif's Court at Dumkol, Azimganj, had to be abolished? You know also that recently it was decided to create a subdivision in Jhargram in Midnapore for, as the Government alleged, in that case officers of Government should be very near the officers of the Midnapore Zamindary Company, who would not be in a position to exercise their power in as unlimited a degree as they liked.

Police officers fear to go against the Company. An appeal was filed at the High Court in which a senior sub-inspector named Nut Behary Das was charged with grievous offence and convicted by two lower courts; his plea was that the case was falsely started against him by the Zamindary Company as he tried to protect the poor people. Fortunately for him, he was acquitted by the High Court. You have heard of the allegation made by the previous speaker that there have been several cases in which this powerful company manufactured evidence both in the Civil and Criminal Court against persons who had the audacity to go against them. I think I shall not be wrong if I ask the Government to say if Government record do not contain such charges made by their own officers. Why is it that Government has not done anything for so long a time? The reasons are quite patent. This company is not like an ordinary local Indian zamindar, but is a company of influential persons and are managed by those who command the greatest influence in Government circles. Even a person of noble heart, like Mr. Monahan, the late Commissioner of the Presidency Division, who took up the cause of the poor raiyats, was not successful in righting the wrongs and why? Because he was not, though a Commissioner of a Division—all in all in the matter, and possibly because

there were people above him who did not like that anything should be done against the company. At the present moment, in the district of Murshidabad, cases have been started by this company against the tenants who tried to put a stop to their oppressions. It was here that this company compelled its tenants to part with their chickens, cows, etc., almost for nothing; they were made to sell fowls at two annas each, while they were sold outside for ten annas or one rupee each. Even the underlings of the company would not spare the poor tenants. In the indigo factories where they used to work, they were not offered proper wages, and when they agree to plant indigo, they do not get legitimate prices for their labours—they have not the capacity to insist on being paid, and as a result of this, there has been discontent among the tenantry. Hard times have made them say that they should not be called upon to give their labours or their articles almost for nothing They no longer like to allow the Halshana to take their cows to the residence of the manager to drink the milk and turn her away when she is dry. When the tenants do not pay their dues, the company may come down upon them with vengeance. Unfortunately the Government officers being panicky lend their willing ear to the stories sedulously circulated by the company that the non-co-operation movement was started among the tenants with a view to exterminate the company from that part of the country, and so the officials do not afford the tenants the relief that they ought to do.

In order to terrify these poor people, a sub-inspector who was nothing but a creature of Mr. Crawford took into custody some respectable tenants, took them in a boat and then got them down and paraded them through many villages sometimes and they were without food from morning till night, and the Company Naib was accompanying the Daroga all along. The most that was done was to transfer this man to another place! In another case, as the property of some persons connected with the company was alleged to have been looted, a police force of 200 men armed and unarmed, with sub-inspectors from different thanas surrounded a village and searched many houses and even a woman's neck was inspected, but nothing was found. I spoke to Mr. Lang about the raid, but he could not believe that it was possible. Later on, he must have been satisfied that such a thing was done in order to terrorise the people. I am just now told by my friend Mr. Erfan Ali that a meeting was convened at Nadia and he was to preside at the meeting, but the conveners were arrested under orders of the manager and Mr. Lang was written to, not to allow Mr. Erfan Ali to attend.

It is our duty ashuman beings to help people in distress, especially our poor countrymen who are ill-treated by the Zamindary Company. These people can hardly procure daily food, but when suits are instituted against them, Government members say, " let them defend themselves. " You know the condition of these people; they are not rich like Rajas or

Maharajas; they have not got sufficient money to go 30 miles off to the Sadar Court at Berhampore. Do you expect that these men who do not get sufficient food to eat, would have the time and energy and money to fight their cases? I think it is the duty of Government to see that these oppressions are immediately stopped; if they cannot do that, if they cannot rule every hamlet justly, then they should not rule at all. If they cannot protect these poor people, to whom will they go? So I ask Government to please look into the matter and rectify and remedy the just grievances of the dumb millions.

Another great difficulty under which these poor people labour is that the high officials in the districts do not understand their language. They cannot come and mix with them; so whatever information the officials get, is the garbled version of this company and its men, and, as I have told you, this is not an ordinary company, and even the Rajas and Maharajas have not the power to make themselves heard before them.

The just and distressful stories of the tenants' grievances do not reach the ears of the officials at all. It is only the version of the company that reaches them. I was told by Mr. Lang that hundreds of people came to him and said that they were willing to pay *abwab*, to give *parbanies* to the extent of two annas per rupee, but they are not willing to sow indigo. But there are hundred thousands who will tell you plainly that they are not in a position to spend a single pice over and above what they are bound to pay under the law.

There are instances in which the land of one tenant has been transferred to another tenant, and you will find instances where a Hindu zamindar who is in possession of the adjoining land, gets only ten annas per bigha from his tenant, this company for the same kind of adjoining land is getting two or three rupees or more besides other donations and taxes, etc.

In my part of the country, the land particularly in the jurisdiction of this company is rather wanting in fertility. It takes a lot of labour on the part of these people to make it fertile and still they do not get sufficient crop and had to pay much more than what other zamindars get.

I may tell you that I tried my best and I think that the Collector of the district also tried his best to see that no more oppression were practised and that the tenants were allowed to pay their rents without *abwabs*. But, Sir, we all failed.

I know of instances on which rents were paid in advance and yet the company says payments are not made by the tenants. The rent receipts were shown to the Collector. I had myself to travel a distance of more than 30 miles at great personal inconvenience in order to bring about an amicable settlement between the zamindar and the tenants. The Collector was there and he also saw one of the rent receipts in which some money given was not properly added—it might

be due to mistake and I do not impute any base motive. As I have said, the money was paid in advance, still the company says the tenants do not pay. I feel tempted to say that this is a piece of falsehood given out to strengthen the hands of their friends in Court. Many of the tenants, about 500 in number, went to the Collector when he went to Ahoricha and to the manager, and I asked the manager to take the rent or to pass an order to the *gomasthas* to enable the tenants to pay the rent without *abwabs*: but who will take the rent? The *gomasthas* wanted the rent, *plus* the *abwabs*. About 5 or 6 years ago, a maulvi asked me to see that payment of *abwabs* named *kalibritti* is stopped. I wrote to the manager but to no effect. This is the way how the company treat their tenants and realise more than what is their due. From the cases that are going on in courts of law you will see how these poor people are opposed and if you do not stop them you will make the tenants suffer. Some months ago, the Midnapore Zamindary Company brought a criminal suit against their tenants for robbery and arson and the tenants in their turn brought a counter case against the company and the company's men and their gun with which they went to attack the tenants were handed over to the authorities. But, Sir, as the company's men were involved, the Government withdrew the non-compoundable cases. But as now cases are started against the tenants for extortion and cases under sections 107 and 145 of the Code of Criminal Procedure. Government takes no steps to see that peace is established and cases be settled. Why this difference in treatment accorded to these poor people? As I have said, the company command the greatest influence over the officials.

I may tell you, Sir, of another instance. Some years ago a case of serious oppression was instituted against the company's men before Mr. French, the Collector. Mr. French made over the case to Babu Jatindra Mohan Singh, Deputy Collector for inquiry. Jatindra Babu went to the place of occurrence and as the company were in a pitiable plight, they settled the matter and the Deputy Magistrate allowed an amicable settlement. Mr. French came down upon Jatindra Babu and told him: "What right had he to allow the case to be settled amicably which was given to him for inquiry only" The result of this was that Mr. French, though an Indian Civil Service officer and the Collector of a district, was transferred immediately. Recently a case of assault was instituted by the Midnapore Zamindary Company against their tenants; the Subdivisional Officer, Babu Akhil Kumar Chatterji, who had some humanity in him, had the courage to take the side of the tenants and rebuke the company's naib; but, Sir, the result was disastrous for him, as we learnt that he got rebuke after rebuke from the higher officials, possibly nothing from his Collector. A very significant fact, I shall submit to you, is that this Subdivisional Officer was transferred to Mymensingh shortly after this, but fortunately for the nobleman he could evade the unjust order, for before it was

out in the newspaper his ashes were floating on the river Bhagirathi. Why this sort of transfer? The man was there for about one and a half years as Subdivisional Officer. Does it not clearly indicate to the officials of the Government that the Midnapore Zamindary Company is strong enough even to make the officials bow down before them? Does this not teach the Subdivisional Officers and others not to say of the police, to look upon the company as the greatest of their gods? The Collector will not be strong enough to assert himself if unreasonable orders are passed from above. The Collector is quite helpless in the matter and the officials, Indian gentlemen, who are to preserve their posts and keep their body and soul together cannot be expected to be independent in their dealings with the managers of the Company, That is the state of affairs in the district, and I would ask the Hon'ble Member in charge to vindicate the position of the Government, for the ruler of the country has the greatest responsibility to shoulder. The poor tenants are unable to raise their voice to reach the ears of the Government and they are altogether helpless. Now that this matter is brought up before you, it is for you to see that the position of these tenants are improved and if you take any action in the matter, remember that you will be doing a good thing both to the tenants and also to the managers of this company, for they should also know what their rights and their liabilities are. The managers of the company should be made to do good to the tenants. They can curtail a good deal of their litigation, they can avoid going to the mukhtears and vakils and paying a lot of money to them and giving presents to others to keep them *khushe* and friendly. You will be preserving the fair name of the Government as they are charged with the well-being of the country. I think you will have nothing to say against the appointment of a committee which will be in a position to learn from these people what their real grievances are. But, Sir, if high officials go on patting the company on their backs, what will they do then? They will try, as they have often done, to ruin those persons who feed them and who ought to be dearest to them. I think this is a position from which you can extricate these people by taking bold steps and see that a settlement is reached between the two parties.

Maharaja KSHAUNISH CHANDRA ROY Bahadur: As I have been returned to this Council from the district of Nadia, I crave your indulgence of permitting me to offer some remarks on the resolution now before us. I am pre-eminently a Nadia man, having my estates situated in every subdivision, if not in every thana of the district. As the Chairman of the District Board, I frequently tour in the interior coming in contact with all classes of people and all shades of opinion. As I can thus claim an intimate knowledge of what is going on in my district, I hasten to tell this Council not to be very much alarmed by the sayings of Mr. Erfan Ali who lives at a distance and views the whole situation through the delusive mist of prejudice and misinformation. He has

complained of the serious tension of feelings existing between the landlords and tenants in Nadia district and has referred to certain symptoms and isolated instances of strained relations, recent and temporary, and confined to particular areas. Allow me, Sir, to point out to this Council that the occasional strained relations between landlords and tenants is not a novel feature in the history of Bengal. A perusal of the Land Revenue Administration of the Presidency will establish it. I find from the Report of 1917-18, that the relations were not satisfactory throughout the Presidency. The diagnosis of my friend is far from correct. The serious tension referred to is but an excitement or ferment which is the natural outcome of settlement operations now in progress. There is nothing extraordinary or unusual about it which calls for special action. On receiving notice of this resolution, I made inquiries into the matter. As far as I could gather there were occasional local disputes before the settlement began such as take place in most districts. The settlement raised the question of *utbandi* and standard of measurement generally.

The district settlement operations brought to a head the existing disputes between the zamindars and tenants and started some new cases. This is the normal and natural result of such operations. However beneficial the after-effects of the settlement operations may be to a district during its progress, the district passes through a period of anxiety, ferment and occasional unrest. I might be permitted to quote here an extract from paragraph 50 of the Land Revenue Administration Report of Bengal for the year 1913-14. It says—

> The Collector of Midnapore states that the settlement operations now in progress have brought to a head disputes between landlords and tenants and the number of these seems to be very considerable.

Then again, I find the following lines on the same subject in the annual Report for the year 1911-12—

> The preparation of a record-of-rights naturally raises a number of difficult questions, specially in regard to status and problems like that of the exact status in the terms of the Bengal Tenancy Act of the *Chaukidars* and *Bhag chasi* in Midnapore, the *Adhiars* in Jalpaiguri, and the *Bargadár* in various other districts have now to be solved as each district comes under settlement.

My friends here from other districts, where settlements have already been completed, will, I hope, bear me out that during the preparations of a record-of-rights every party wants to stand on his own legs and insists on the maximum of legal rights; and some of these districts have witnessed far more unrest and tension of feelings. In some cases, hospitals have been filled with *porcha* wounds, courts crowded with litigants to establish facts of possession, stamp revenue mounting up by leaps and bounds. Even the last Settlement Report sent to me by Government a few weeks ago, contains the following lines—

> In Raipura and Narayanganj thanas, the combination of tenants was very strong. At Kuripara, the principal tenant of the village, who had the hardihood to espouse

the cause of landlords, was murdered by his co-villagers. In many instances, landlords could not gather sufficient information for substituting the heirs of the defendants who had died after the institution of the suits and the cases had to be withdrawn in consequence.

My friends from other districts will, I daresay, support my statement when I say that rioting, bloodshed and breaches of the peace are but common occurrences during the progress of settlement operations in any district. But Nadia has not as yet seen such sights, though its landlords are described as bad and its land system still worse and the status of the tenants very uncertain. But, Sir, are the zamindars of Nadia really so bad and oppressive? If you consult the statement of areas and revenues of Bengal districts in the Appendices to any copy of the Land Revenue Administration Report, you will find that, though comparatively barren, from the point of view of Government revenue, Nadia is a highly assessed district, much higher than many of the East Bengal districts.

The last annual Report of the Settlement Department reveals the existence of about 18,000 *mokrari* raiyats in an area of 800 square miles. I hope few districts will show a better proportion of holdings at fixed rents anywhere else in Bengal. The previous speakers have raised the question of *utbandi*. I wish all my friends here had known what *utbandi* is. It would take days and weeks for one to tell you all about *utbandi*—its origin, its growth, its development, its ramifications, its treatment by the civil courts and last, but not least, its interpretation by the settlement authorities. You will not have, I fear, time nor patience to hear me. I admit, Sir, that the *utbandi*, like the produce rent, is but a relic of the primitive system of land-holding and perhaps well designed to suit the agricultural and economic conditions of certain parts of the district where you cannot grow crops year after year. I am not very proud of the system, but I am not particularly ashamed of it either. You cannot remove the *utbandi* from Nadia and section 180 from the Bengal Tenancy Act, any more than you can do away with *khamar* right and expunge Chapter XI from the same Act. *Utbandi* is very much like *khamar*, but from the point of view of a tenant, it has got its advantages over the *khamar*. One cannot acquire occupancy right in *khamar* land on any condition, but he can and does acquire occupancy right in *utbandi* land if he cares to hold the same land or pay for it for 12 years continually. Besides you have not got *utbandi* in all villages or in occupation of every tenant. Of the total area of 2,700 square miles, *utbandi* area will not cover over 500 or 600 square miles, *i.e.*, less than one-fifth of the area of the district and the area is diminishing with changes in economic condition and introduction of manures rendering more and more lands fit for stable cultivation.

Maulvi MAHAMMED MADASSUR HUSSAIN: I rise to a point of order. Are we discussing the advantages or disadvantages of *utbandi*.

The DEPUTY-PRESIDENT: I think it is necessary to dilate upon that point.

Maharaja KSHAUNISH CHANDRA ROY Bahadur: It is the tenants who are so much adapted to this system and so conservative in their ways that they themselves would oppose you if you want to convert their *utbandi* into *jama* on fair and equitable terms. This is my own experience. I challenge Mr. Erfan Ali to disprove it. I would invite my friend to visit some of my own *mahals* to help me to convert *utbandi* lands.

I have already submitted to Government my constructive proposals for conversion of *utbandi* on the application of the landlord or of the tenant. My friend is also a member of the Bengal Tenancy Act Amendment Committee and I look to him for an impartial solution of this problem which, like a veritable nightmare, is sitting on the breast of many of us here, particularly those who have not studied the question in all its bearings.

I can assure the Council that there is nothing serious which calls for a committee of inquiry in the Nadia district. The temporary excitement, if there is any, is but a natural outcome of the desire of everyone to have the maximum of rights recorded in settlement as it happens in every district during such operations. But the affairs in Nadia are not half so bad as they were in other districts. Probably, even, this slight excitement or unrest might have been avoided but for the incendiary speeches made by some agitators when high hopes were raised in the minds of these unsophisticated raiyats including the prospects of disestablishing the Permanent Settlement with all its supposed evils of landlordism. The tenants who thus pictured to themselves the dawn of the millenium with the coming of the settlement were sadly disappointed when they found that the settlement did not confer on them all the rights they bargained for. This, Sir, is the true diagnosis of the real situation—call it excitement, unrest or tension of feelings or by any other high sounding appellation you like.

As far as I can ascertain, there has never been serious tension of feelings throughout the Nadia district and there certainly is not now. Even if such tension did exist, the appointment of a committee of inquiry would tend to make it more and not less acute. It is a public interference on private disputes for which there are legal remedies. From the resolution I understand that the committee is to inquire into the causes and not recommend remedies. It would not require such a committee to ascertain the causes of such disputes as have taken place. This matter is before the Bengal Tenancy Act Amendment Committee already. As I have said, most of the recent disputes have arisen out of the settlement operations. A good many of them are likely to be settled amicably between the parties. The courts provide remedy for the rest. A public inquiry will reopen disputes which have been

amicably settled, will prevent the settlement of others, and will lead tenants to hope for remedies which the Court will not give. In short, inquiry is likely to cause serious tension. Such a result would be undesirable at any time; it would be dangerous now. So, I feel bound to oppose the resolution as it stands.

But, Sir, if it is proposed to appoint a sub-committee of the Bengal Tenancy Act Amendment Committee for examining landlords, tenants and revenue officers on the general question of *utbandi* with a view to devise ways and means for solving this problem, I would be the first man to welcome the idea.

With these words, I oppose the resolution before the House, with all the emphasis that I can command.

Colonel A. J. PUGH: Mr. Erfan Ali has told us that this is not a racial question, but it is perfectly clear from the resolution moved by my friend that this is a racial question; otherwise why should the Midnapore Zamindary Company be alone singled out and those zamindaries represented, for instance, by Babu Kishori Mohan Chaudhuri and Kumar Shib Shekhareswar Ray be left untouched. As a matter of fact, the trouble began in Rajshahi and I understood that both these gentlemen have zamindaries in the Rajshahi district.

I have listened very carefully to the causes of complaint. Mr. Erfan Ali says that he wants a committee to inquire into the causes of the tension which exists between these zamindars and their tenants and what he wants us to do is to have a survey of the position from the Permanent Settlement up to the present time. It is a little difficult for us to go back and to say that the Permanent Settlement has been one of the causes and that you want an inquiry now into the relations existing between the tenants and the landlords. But I submit, Sir, that to bring in the Permanent Settlement is straining it a little too far.

Mr. Erfan Ali referred to and read at great length a petition that was presented to Sir Andrew Fraser in the year 1904—we are very nearly 20 years past since 1904. He also read at great length from another report of 1917. Beyond reading certain extracts from these reports, he has not made out a case for complaint at all beyond the fact that there has been a number of cases instituted, but I should like to say that in regard to the cases instituted there are no cases now pending against the Zamindary Company, but there has been a number of cases instituted against the non-co-operation gang. There have already been several convictions and several cases under section 107 are still pending.

Maulvi Ekramul Huq's complaints, when boiled down, are three. He says that the managers of the Zamindary Company do not pay sufficient price for the chickens they get and this Council is asked to appoint a committee to inquire into the prices paid by the managers for the chickens. He also says that the managers turn away their cows when

they become dry. I am sure my friend, Babu Amulya Dhone Addy, will gladly come to the rescue and take possession of the dry cows. His other complaint is with regard to *utbandi*. As regards *utbandi*, as everybody knows, a committee has been sitting and, I believe, is daily sitting—I mean the Bengal Tenancy Act Committee. I understand that that Committee is about to make a report on this question of *utbandhi*. Under the circumstances what is the necessity for appointing another committee also to report on the question of *utbandi*.

He has referred also to the question of the realisation of *abwabs* although I do not know whether other zamindars in Bengal take *abwabs*. But I may tell you that the Midnapore Zamindary Company do not take a single pice in the shape of *abwab*, and anybody who likes to inspect their books can see that they do not realise a single pice extra. I am not sure how many zamindars of Bengal will adopt the same course. They cannot, however, be responsible for their *amlas*, for I believe, it is a sort of custom of the country which goes on all round that people make certain presents to the *amlas*. But so far as the Zamindary Company is concerned, I may assure the Council that they do not take anything at all. I fail to see any reason for holding an inquiry with regard to that.

One of my friends has referred very cursorily to the question of indigo. Apparently there seems to be some complaint with reference to the growing of indigo. I may tell you that no raiyat can be forced to grow indigo and those who now grow indigo hold land at a rate of eight annas less than those who do not grow indigo. Furthermore, the Zamindary Company do not charge interest on arrears of rent. I do not know why that has not been brought forward. I do not therefore understand why they are singled out for attack. With regard to this question generally, my opinion is that the trouble which exists now is mainly political and economical. It certainly began in the Rajshahi district and was started by a man of the name of Someswar Chaudhury, an agent of the non-co-operators. This man was sent by the non-co-operators to the Rajshahi district to stir up trouble between capital and labour. The election to this Council also had something to do with it as some candidates for election, in order to get the votes of the tenants, told them that if they voted for them they would see that their landlords were oppressed and that the tenants would have to pay no more rent, and various other things, and that a millenium was about to come. Well, the activities of this gentleman in the Rajshahi district resulted in proceedings being drawn up against him under section 107, and he then proceeded to cross the river and came to Nadia. He visited the indigo factories at Harishankar and Maheshkhandi and other places and held a meeting at all these factories with the result that each factory had to be closed down on the following day because there was no one to work. He was next joined by dismissed *amlas* of the company and you can easily imagine the result when this man proceeded to tour the

country in company with the dismissed *amlas*. After this, he was joined by one Muhammad Shirazi, a Khilafat preacher. This gentleman got into touch with the Kushtia subdivision. I think most of you know how one of the local zamindars was treated and when a lady in the family gave birth to a child, no *dhai* was allowed to attend her and how milk was refused to the child.

With regard to the Zamindary Company themselves I say that instead of their being singled out for attack, you ought to say that you are very grateful that the European managers and assistants of the zamindary have kept themselves under restraint under very difficult circumstances. We find that there have been continued threats held out to their employés and that indigo and crops have been grazed down. They have recommended the abolition of the pound and the stoppage of the chaukidari taxes. At Shibrarpur alone, on one occasion, between two to three thousand non-co-operators invaded the compound of this factory, intimidating the *amlas* and intimidating all servants of the company. I say that it was only due to great restraint on the part of the assistants of the Midnapore Zamindary Company that in spite of the insults and in spite of the abuses that were hurled at them openly, no lives were lost and they did not take the law into their own hands. That is a matter for which instead of abusing this Company, I think we ought to give them great credit. Several of the employés of the Company have their houses burnt down because they would not join in this agitation that is being fomented and several thousands of rupees have been lost in consequence. I am told that as far as the non-co-operation agitation is concerned, that is dying down and the position is now going on quite well and good relationship between tenants and zamindars is being re-established. As a matter of fact, if at the present time you do have a committee going round the country and making inquiries, you will no doubt create great trouble. What I would suggest to my friends is this: that they should wait now, that they should withdraw their resolutions now and await the report of the Committee which is inquiring into the question of the amendment of the Bengal Tenancy Act. Let them then see what effect that has, and if there are any grievances how they are remedied by the amendment of the Bengal Tenancy Act. After that they may bring forward any resolution they please. All I have to say is that the Midnapore Zamindary Company is a large company, and if it pleases, it can do a great deal for its tenants. We know to a certain extent as to why the zamindars of this country are not in the same position as the zamindars of other countries. There is the system of Permanent Settlement which stands in the way of encouraging a zamindar to go and spend money on improving the land, and he gets very little thanks if he does try to do anything for the benefit of the tenant. But as a matter of fact, there is a great opportunity before them and instead of trying to encourage the tenants to fight

with the zamindars, I respectfully suggest that what those gentlemen interested ought to do is to try to get the zamindars to do something for their tenants, for instance, to start model farms and spend money on agricultural experiments and things of that sort. By so doing you will do far more good to the raiyats than continuously putting them up to fight with the zamindars.

Maulvi MUHAMMAD ABDUL JUBBAR PAHLOWAN: The other day when I supported the demand for Jhargram subdivision, I expressed my opinion about the matter in the same way as has been stated by Mr. Erfan Ali. From the long speech of the mover, it appears that the contention between the company and the tenants is a very long-standing one. It has been like a chronic disease. I cannot understand why such an important matter has been overlooked by the Government. I should like to know what Government have to say about it. The other day the Hon'ble Sir Henry Wheeler stated that he knew that there was a company named the Midnapore Zamindary Company, but no report of *zoolum* on their part had reached him. How is it that Mr Erfan Ali's speech reveals a contradiction? I appeal to Government to take up the poor man's cause and do justice to them.

The Maharaja of Nadia and Mr. Pugh do not see the necessity of a committee as nothing has happened which requires a committee to inquire into Colonel Pugh has said that the Midnapore Zamindary Company has only instituted a case against the non-co-operators' gang but nothing of the kind as stated by Mr. Erfan Ali. I know from my personal experience that the zamindars take advantage of such occasions to torture their tenants. However, what is the harm if there be a committee to inquire into these things.

With these few words, I support the resolution.

Rai RADHA CHARAN PAL Bahadur: After listening to the lucid speeches of Mr. Erfan Ali and Maulvi Ekramul Huq, I must say that I am very much impressed with the usefulness of this Council, though it has been proclaimed outside that the Council does not give sufficient opportunities to the people at large to ventilate their grievances or to seek redress in constituted quarters. I am very much pleased that these resolutions, which have been moved by my friends, should give the lie to the assertion that the Council is not a useful body. Here the woes and the alleged grievances of the peasantry—the tillers of the soil—are voiced by two eminent members of the Council in no uncertain language. I, therefore, welcome these resolutions. I am not aware of the existence of the grievances to which such eloquent references have been made by the two previous speakers and which have been controverted by Colonel Pugh. But what strikes me is this: if there is a demand for a committee to inquire into the causes of unrest and bad feeling and tension between the zamindars and the raiyats in the districts of Murshidabad and Nadia,

why should there be an opposition to that demand? If the assertions and the statements that have been made by the two movers of the resolutions are incorrect, they will strengthen the hands of those who dismiss all complaints as stuff and nonsense and they will give occasion for the rejoinder that grievances which do not exist are sought to be fastened upon those who, on the contrary, try to ameliorate the condition of the tenants. I think that this proposal gives an excellent opportunity to vindicate the position of the zamindars, who constitute the Midnapore Zamindary Company. It has been said by Colonel Pugh that it is the outcome of political propaganda and I believe he has referred to the activities of the non-co-operators. Here is a specific instance of co-operation, which ought to be availed of by the members of this Council and by Government. These two resolutions at least show that they want the co-operation of the members of Government and of the members of this legislature. Why do you brush them aside and say, "you are non-co-operators and we do not want to co-operate with you?" I think that no case has been made out for voting against the inquiry. I remember, as a diligent student of history, specially of the history appertaining to Bengal, to have read—I have no personal knowledge as I was not born at that time—harrowing in papers, which are unimpeachable records, descriptions of the oppressions of the indigo planters. I have read of the vehement opposition, that was raised by the Anglo-Indian papers of those days and by eminent Anglo-Indian gentlemen, against any inquiry regarding the complaints and allegations made by the raiyats. But there were only two gentlemen—eminent men—one belonging to the Holy Orders, the Rev. Mr. John Long, and another belonging to that band of civil servants recruited from the Haileybury men, Sir Ashley Eden—who stood forth to expose the atrocities of the indigo planters. If my friend, Colonel Pugh, will refresh his memory by reading the evidence of Sir Ashley Eden, he will find that all the opposition melted away and it was proved to the hilt that the allegations and grievances of the raiyats were quite true. I do not know if the tenants will be vindicated in that way on the present occasion, but yet what is the harm in having an inquiry? Colonel Pugh is a very frank and straightforward gentleman. I have had the honour of being associated with him not only in this House but also in other public bodies, and I do not very well understand why he should not welcome this inquiry instead of opposing it. I was also surprised to hear the speech of the Maharaja Bahadur of Nadia. Though I am fully alive to the hereditary attachment to the zamindars of Bengal, I must say at the same time that I cannot shut my eyes to the illegalities and oppressions sometimes committed by the zamindars upon their tenants. I think I shall not be wrong if I say that in the writings of those who were the champions of the zamindars' cause, there are instances and good many instances too which show that the zamindars are not quite as tender to their tenants as sometimes they are depicted to be. Therefore, having regard to the facts, which have been so lucidly placed before

the Council along with a challenge for an inquiry by the movers of the resolutions, I venture to think that the challenge should be taken boldly and manfully by the Government and the legislature and an inquiry should be set on foot.

Babu NIRODE BEHARY MULLICK: I find that the two resolutions appertain to the same subject and I do not mind if either of them is accepted. It is not necessary for me to dilate on the importance of this question. The importance of this question will be apparent from the fact that most of the members of this Council sought their election on this question, namely, the question of relationship between landlords and tenants. Whether those members are continuing in their professions or not it is for them to say. After listening to the speech of the mover of this resolution, it has been apparent to me at least that there is something wrong in that quarter and that wrong should be righted. The other day, a document was shown to me a cursory perusal of which will show that under the very nose of Government so much oppression is going on. I admit that this is only one side of the question, but knowing the real condition of the tenants in the villages, I believe every word of Mr. Erfan Ali so long as an impartial and unbiassed committee says otherwise. Colonel Pugh has reminded us that a committee is now sitting under the Bengal Tenancy Act and that there is no necessity for a further committee. I know that many amendments have got to be introduced in the Act before the relationship between landlords and tenants can be put on a permanent basis, to the permanent prosperity of the tenants, the zamindars and of the province as a whole. But it must be admitted, at the same time, that even under the existing law, the tenants cannot get full advantage of the provisions of the law owing to their general helplessness, and this committee is required to help the tenants and to free them as much as possible from those oppressions.

And might I, in this connection, draw a general picture of this helplessness of the tenants? A zamindar takes it into his head to augment his income. He then befriends some officers of the subdivision or of the district as the case may be next, with the help of their officers, sets sections 107 and 145 proceedings of the Criminal Procedure Code, in motion against his unfortunate tenants. Or if he chooses to go to a civil court, he brings a suit, say of ejectment. All the processes are suppressed, which is not at all a difficult matter, and one fine morning the unfortunate tenant finds the representatives of the Court at his door. Finding his only sustenance in life taken away unjustly from him, he sometimes goes to the extreme length of murder. Without entering into the psychological question as to who is the real murderer here, the zamindar or his *gomastha*, who goads the tenant to murder or the tenant, who gives the final blow, this much must be conceded that it is the bounden duty both of the Executive and of the Legislature to see to it that no undue

oppression takes place anywhere in the land to the great disgrace of the Government and of the administration.

It has been said that the non-co-operators have raised all these troubles. Sir, whenever a difficulty arises the non-co-operators are generally blamed for it, but supposing for the sake of argument that the non-co-operators in this case are responsible for the trouble, I consider that a committee is necessary, for it will help us in solving the difficulties raised by non-co-operators in villages.

Babu SURENDRA NARAYAN SINHA: From what I know of the relations between the tenants and the officers of the Midnapore Zamindary Company in Murshidabad, I believe that the tenants in certain areas in the district of Murshidabad are not satisfied with the treatment of the officers of the said company. I have some idea of the landed property of the company and I know that last year the managers of different concerns issued orders that *tahrirs* should not be realised from the tenants; but the Naibs and other subordinate officers were not satisfied and they realised money from the tenants as *kharcha*. In some cases they went so far as to institute cases without very plausible grounds as a result of which Babu Sarat Chandra Roy, Deputy Collector, was deputed to inquire into the matters at Damkul and Jalanghi, and from the conversation I had with him, I understood that there were exaggerations on both sides. The main issues of dispute were that the tenants were not willing to sow indigo and pay *abwabs* and so feeling became strained and violence was used upon the tenants. I personally know Mr. Stenhouse, Mr Westmacott and Mr. Ansburry who are not unreasonable persons; but, sometimes, the tenants are not allowed by officers to explain the situation before the Managers and to have their grievances redressed. As this leads to a good deal of misunderstanding, I think there will be no harm if Government intervene and attempt a settlement.

Maulvi SHAH ABDUR RAUF: From what we have heard this afternoon from Mr. Erfan Ali and Maulvi Ekramul Huq one can come to the conclusion that a serious tension of feeling exists between zamindars and tenants in the districts of Murshidabad, Nadia and in the adjoining districts. They have given us some facts and figures, they have illustrated by concrete examples what they have said and we may come to the conclusion that really there are causes for serious tension of feeling between zamindars and tenants. I do not belong to the district of Nadia and so I am not in a position to judge correctly as to which party is on the right, whether the Maharaja of Nadia or Mr. Erfan Ali who has spoken to us on behalf of the tenants. But from what I know of my own district, I can safely say that certainly nowadays, a tension of feeling exists between landlords and tenants in almost every district of Bengal. There have been numerous cases which have caused the tenants to stand on their own legs now and proclaim to the superior authorities that they are oppressed and molested by the landlords. Those who are in opposition to

this resolution may very well say—"Well, so long the tenants kept silent, so long they did not say that they were oppressed by landlords: now why should they come and say that they are oppressed?" It is not because that they were not oppressed before, but because they could not open their lips then: their lips were sealed then. In this connection, I beg to say that the Reforms Scheme has taken away that seal from the lips of the tenants. Those of us who are here, I think everyone of them, went to the tenants for their votes and every one had to promise that they would take up their cause and fight for them in the Council. So I say that the time has come when the tenants are not willing any more to bear the oppressions of the zamindars. So far as the present case is concerned, I am not aware if any tension of feeling exists in that particular district. But the Maharaja of Nadia, who is personally interested in the matter, is a big landlord and he could not deny the fact that there was no serious tension of feeling between the tenants and the landlords of that place. He admitted partly that certainly there were some causes of discontent, but he says it is the tenants who are to blame for it: it is the settlement which is the root cause of all this trouble. He asks us to believe that where there are settlements there is bound to be some sort of tension of feeling, and the present case is also covered by the same maxim. I am not a believer of maxims like that. He says that a committee would be a public interference with private affairs. Quite so, but why the Maharaja should fear to have a committee of inquiry I fail to understand. The committee will decide which party is in the wrong, and it will then be for the Government to take measures against that party.

Colonel Pugh has told us that if a committee were appointed, new troubles will arise. With all deference to the opinion of Colonel Pugh, I fail to understand how fresh troubles will arise, unless Colonel Pugh wants that his party should be the spokesman and the tenants should remain silent. Now Colonel Pugh has given us an assurance which can fill the hearts of the tenants with joy, namely, that the zamindars can do something for the tenants if they please. Of course, it lies with the zamindars to help the tenants and also to oppress them. But up till now we have not heard of many cases in which the zamindars of Bengal have done much for their tenants. But they realise additional taxes year by year from tenants, I mean, by enhancements which the zamindars make oftentimes. However, Sir, the fact is that there are cases of oppression and such instances will have to be looked into to find out who is really guilty. So I strongly support the resolution of Mr. Erfan Ali.

MEMBER in charge of DEPARTMENT of REVENUE LAND REVENUE](the Hon'ble the Maharajadhiraja Bahadur of Burdwan): The two resolutions before the Council urge that a recommendation be made to Government to appoint a mixed committee of members of

this Council to inquire into and report upon the causes which have resulted, according to the wording of the resolutions, in a serious tension of feeling between the zamindars and their tenants in the district of Nadia and portions of the adjoining districts.

Now, as regards the tension of feeling between the zamindars and the tenants, it may be stated that, unfortunately, such a tension does always exist to a normal extent in almost every zamindari: but what we have got to consider in a case like this is that since we do not practically find in any zamindari that ideal state where the zamindar realises his dues without having to go to the law courts or tenants submitting to payment of rents without recourses to litigation—in the case of a recommendation to the Government to appoint a committee to inquire into the private rights of a zamindar or the relationship between that zamindar and his tenants, the real situation must be very carefully considered by the Government before it can take any action and for this simple reason that if the principle which has been advocated with such an amount of heat by the movers of the resolutions were once accepted, it would mean the acceptance by this Council of the fact that whenever and wherever such a state of things came into existence in a particular zamindari, where the conditions, according to those who brought the matter to the notice of the Council, were not such as from their point of view were desirable, then it would mean the commitment of the Government to interfere in every private quarrel between a zamindar and his tenants.

Now, Sir, let us, as dispassionately as possible, consider the present situation. I do not for a moment wish to contend on the one hand that everything is right with the Midnapore Zamindary Company—for the Government has for years past, as at the present moment, got information to the effect that everything is certainly not right in that Zamindary Company. On the other hand, it cannot be supposed for one moment that everything is right with the tenants, for hundreds of cases are now pending against them before the law courts including cases on which decisions are expected to be given by some of the Judges of the High Court in a day or two. And what does it show? However much there may be discontent among the tenants against the Company, the tenants and their advisers are fully alive to the situation, that is to say, the Zamindary Company, however much powerful they may be, have not been able to stop the tenants from going to the law courts. Further, it also proves that there are men who encouraged the tenants to bring forward their claims and rights in the law courts, the proper place for the settlement of any litigation or differences of opinion between the zamindar and his tenants. Now, that being so, what I wish to contend, before I go a little more into details is, that however so much it may be thought desirable by the movers of the resolutions to appoint a committee, however so much some members of this Council may be moved by the fact that there have been some reports of oppression

and that everything is not right in this particular Zamindary Company, it is not right for this Council or the Government to institute a general inquiry of this kind considering the question in all its bearings.

Now regarding the position that has been brought forward before us to-day—whilst I do not for a moment wish to question the good intentions of my friend Mr. Erfan Ali—I must say that I was sadly disappointed in the way that he put his case before the Council. In the first place, with the exception of one or two recent instances of the trouble between some of the tenants of this Company, and the Company itself, he read out at length the memorial that had been submitted to the late Sir Andrew Fraser in February, 1904, he also read out extracts from proceedings of the report of the *Anjaman* or some other body which I could not quite follow——

Mr. SYED ERFAN ALI: Report of the Committee.

The Hon'ble the MAHARAJADHIRAJA BAHADUR of BURDWAN:—on the happenings in 1916-17. Now, as this Council is aware, since 1916, settlement operations have been going on in the district of Nadia and I am perfectly certain that from the reports that we have had in the department as well as from some of the quotations that were mentioned casually by Mr. Erfan Ali that a great number of grievances that existed in 1904 or 1916 have been removed by the recent settlement operations. Whatever may be the accusations that have been brought forward—and I may say brought forward rather injudiciously—by Mr. Ekramul Huq, and I hope he would not be proceeded against for libels by the Company—about certain incidents that have been happening within the Zamindary which is known as the Midnapore Zamindary Company, but they have no actual bearing on the question of legislation with regard to the law governing landlords and tenants, a question on which, I frankly admit the Council and the Government have every right to take part. What I wish to point out in the first place, is this: that Government can only interfere in a matter as between the landlord and tenant if the Government has information that in any particular area or a zamindari, things have come to such a pass that not only were criminal cases going on every day, but there was a likelihood of disturbance of public peace and that the state of affairs in that particular locality was such that for political reasons Government had a right to interfere or make a public inquiry. What I wish to contend is that although we have information, as I said at the beginning of my speech, that everything is not right between this Zamindary Company and its tenants, Government do not think it would be justified in instituting a public inquiry—whether by a free agency or otherwise—into the affairs of the Zamindary Company at the present moment, when however so much it may be desired, that the present state of affairs between the zamindars and the tenants should improve,

a public inquiry of this kind would not be desirable. And among the reasons for which I think it would be injudicious for this Government to institute and this Council to ask for, such an inquiry, is this, we know perfectly well, however so much this Council may think to the contrary, that civil disobedience is coming, unless of course the promoter of this propaganda makes a different programme. I know only what he has outlined in his public speeches or in the press. That being so, it is not only in the interests of the Zamindary Company, but I may say, for the zamindars of the whole of this province, that it would be a fatal mistake at the present moment to institute such an inquiry on vague assertions. The institution of such an inquiry would only excite the tenants of the locality and it would precipitate the cult of civil disobedience among the tenants or turn all the tenants against the zamindar, specially when we know for a fact that men who preach this cult have been around the district and they have already excited tenants in some of the big zamindaries. This is a fact which, I think, should be borne in mind by the members of this Council.

Then I may be pardoned in saying that in any matters relating to the Bengal Tenancy Act or of revenue laws and rent laws in the province, the Legislative Council has a legitimate right and function to inquire, but in a matter of the kind under discussion this Council cannot be the final authority. It would be wrong for this Council to take on its shoulders such responsibilities. It would be wrong in principle and it would be wrong in practice and what is more, I think, as I have already said, it would be creating a dangerous precedent. As I say Government would be amply justified in stepping in in any locality where it had ample evidence that the position had become such that in view of the political situation an inquiry should be instituted. However much the present Zamindary Company's methods may be deprecated I do not think, that the position is by any means such as to justify a public inquiry on such grounds.

Now, Sir, it has also been mentioned by Mr. Erfan Ali that the Zamindary Company take from their tenants supplies of *kalai*, mutton, etc. Sir, I do not wish to go into the details of the hotch-potch and *khedgree* which Mr. Erfan Ali has made up of these things, but I wish to mention that since Colonel Pugh has repudiated the charge of *abwabs* and has stated that the Zamindary Company do not take from their tenants anything which they are not entitled to under the Bengal Tenancy Act, it is up to Mr. Erfan Ali and Maulvi Ekramul Haq to prove them and if what they say be true, then I say that Mr. Erfan Ali, who has brought it to the notice of this Council, should as a member of the Bengal Tenancy Act Committee, which is now sitting under the able presidency of my Hon'ble Colleague, Mr. Kerr, who is undoubtedly the best authority on revenue laws in Bengal, bring forward specific cases before the committee and I am sure my Hon'ble Colleague would give him a patient hearing and would try his best to rectify such

grievances as would in his judgment be possible should he think they could be rectified within the four corners of the law. I believe, in doing so, Mr. Erfan Ali would be doing a greater service to the tenants of the locality whom he is representing in this Council than by putting up such resolutions. What I say is this: that it is practically clear that however so much it may be desirable to create a better relationship between this particular Zamindary Company and its tenants, the resolution, as worded, will not gain that object. On the other hand, if such a committee were appointed, it might create difficulties not only for the zamindar but also for the tenants, and it would be a precedent for determining the general principle as regards the attitude of Government when differences between zamindar and tenants occur. For all these reasons, I think it would be desirable for the movers of the two resolutions to withdraw the resolutions and bring forward such cases as would render Government action possible, to the notice of the President and the members of the Tenancy Committee. For these reasons, Sir, on behalf of Government, I am unable to accept these resolutions.

Maulvi EKRAMUL HUQ: I hope, Sir, that I may be allowed a little time to reply. I will not take longer than 10 or 12 minutes.

The DEPUTY-PRESIDENT: A motion has been moved that the question be now put.

The motion for closure being negatived, Maulvi Ekramul Huq was allowed to speak.

Maulvi EKRAMUL HUQ: I differ from what has fallen from the Hon'ble the Maharajadhiraja Bahadur of Burdwan. He says that these are matters which could be brought to the notice of the Hon'ble Mr. Kerr who, he says, would be in a position to rectify the grievances when he frames the Bengal Tenancy Act. There are instances in which the terms of the Tenancy Act have been violated and the Maharajadhiraja Bahadur says that Government is not in a position to rectify them. I am afraid, we cannot accept such a proposition as that. The hands of the Government should be long enough to reach every case of hardship and oppression whether within the bounds of the four corners of the Tenancy Act or not and wrongs wherever they exist should be remedied. Now, Sir, the Maharajadhiraja Bahadur says that it is known to the Government that everything is not right so far as the Midnapore Zamindary Company is concerned. If that be so, the Government is expected to come to the rescue of those who are wronged and by his own admission the Hon'ble Member for Government make the Government bound to look into the matter and do justice. I think the Government records themselves will show how matters are managed by the Company.

I shall take the liberty to reply to my esteemed colleague, Colonel Pugh. I hope he has not agreed to differ when I try to convince him that this question is not a racial question. I submitted before the

Council the case of the tenants of Bagdanga which took place years ago when there was no trace of non-co-operation to be found. I have said that the tenants repeatedly prayed and submissively entreated the Hon'ble Nawab of Murshidabad to make the Bagdanga mahal khas. That clearly demonstrates that before the non-co-operation movement started, the tenants were not at all willing to remain under the clutches of that company. Further, may I point out to him that there is another European concern in Murshidabad known as Anderson Wright & Co? Is there any complaint against them? Nothing is said against that Company: Government have not received any report against them because there was nothing to be reported against that Company, and the tenants there are happy and contented. In this particular case Government has received reports, and that I hope will convince my esteemed friend Colonel Pugh that the question before the House is not at all a racial question and, further, another fact which ought to convince him is that the Hon'ble the Maharajadhiraja Bahadur himself says that everything is not right with the Midnapore Zamindary Company.

Those who are strong are in a position to do wrongs to those who are weak; and those who are weak had to suffer calmly, for any effort on their part to retaliate will be found by experience quite unprofitable for them. It is not physically possible, it is altogether unnatural that they would take it upon themselves to molest the strong. Sir, there would have been absolutely no necessity for me to come before you with this case if the tenants were strong enough to fight out their cause, if they were strong enough to combine among themselves and by their united strength and inherent strength of righteousness to meet the strong. I do say, not a single zamindar, however oppressive, however strong, however powerful he may be, will dare offend an honest and combined tenantry. They cannot combine, they have not got the capacity to combine; they have not the power to protect themselves against the oppression of the zamindars. When they go to the law courts, they have to spend a good deal of money on pleaders and mukhtears which they cannot do, they are really persons who look upon Government as their protectors. I think it is the clear duty of Government to protect them. If Government fails to protect them, they will have no faith in Government. Have not the Government pledged themselves in several documents, to support the weak against the strong? According to the version of the Government, the Zamindary Company is doing wrong; if that is so, why do you say you cannot interfere, you are not in a position to help them? You are the all-powerful Government everyone knows you have got the power; why do you not exercise your powers, not to the detriment of the people, but with a view to see that the condition of the dumb millions, is ameliorated. That is what they want, and I still hope that Government will do something to help them.

One thing has been said by my esteemed colleague and that is that the people are non-co-operators and so there was no need of any action. If

he has gone and seen these people, talked with them, he will see there is absolutely no non-co-operation in Murshidabad. Boys may go about at times with flags unfurled, but the masses have been kept quiet. It must be said to the credit of the Collector there that he has managed matters in such a way that non-co-operation could not take root; there is not a single case in which non-co-operators have been hauled up before the courts of law. I have made inquiries as far as possible, and I find that the unrest is only a question of bread with these people; present conditions are so stringent that they are not in a position to maintain themselves; prices have gone up; and people are not in a position to please the Company by giving illegal gratifications. When placed in such circumstances, when they cannot afford to pay, they should not be forced to pay, because under the law they are not bound to pay. They want nothing more. They are willing to pay their dues, not anything more. If they do not pay their dues, oppress them, but if they are ready to pay do please take the legal dues only, this is what Government could tell the Midnapore Zamindary Company and if they would not hear, Government should make them realise that the tenants have their rights and the Zamindary Company were not rulers of the land.

The motion of Mr. Syed Erfan Ali was then put and a division taken with the following result:—

AYES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Erfan.
Ali, Munshi Amir.
Arhamuddin, Maulvi Khandakar.
Bhattacharji, Babu Hem Chandra.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Das, Babu Bhimadev.
Dutt, Rai Bahadur Dr. Haridhan.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Karim, Maulvi Abdul.
Karim, Maulvi Faziul.
Khan, Maulvi Hamid-ud-din.
Moitra, Dr. Jatindra Nath.
Mullick, Babu Nirode Behary.
Pahlowan, Maulvi Md. Abdul Jubbar.
Rauf, Maulvi Shah Abdur.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Khan Bahadur, Maulvi Emaduddin.
Azam, Khan Bahadur Khwaja Mohamed.
Banerjea, the Hon'ble Sir Surendra Nath.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bose, Mr. S. M.
Carey, Mr. W. L.
Chaudhuri, Maulvi Shah Muhammad.
Chaudhuri, Rai Harendranath.
Das, Mr. S. R.
Duval, Mr. H. P.
Farequi, Mr. K. C. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Gordon, Mr. A. D.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prasad.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble.
Mitter, the Hon'ble Mr. P. C.
Nakby, Mirza Muhammad Ali.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Ray Chaudhury, Raja Manmatha Nath.
Robinson, Major-General W. H. B.
Roy, Babu Nalini Nath.
Roy, Maharaja Bahadur Kshaunish Chandra
Roy, Mr. Bijoy Prasad Singh.
Roy, Mr. J. E.

Roy, Mr. Tarit Bhusan.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 20, and the Noes 43, the motion was lost.

The motion of Maulvi Azaharuddin Ahmed, as amended by Maulvi Ekramul Huq, was then put. A division was taken with the following result:—

AYES.

Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Ali, Mr. Syed Erfan.
Ali, Munshi Amir.
Arhamuddin, Maulvi Khandakar.
Bhattacharji, Babu Hem Chandra.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Maulvi Shah Muhammad.
Das, Babu Bhismadev.
Dutta, Babu Indu Bhushan.
Haq, Shah Syed Emdadul.
Huq, Maulvi Ekramul.
Karim, Maulvi Abdul.
Karim, Maulvi Faziul.
Khan, Maulvi Hamid-ud-din.
Mallik, Babu Surendra Nath.
Moitra, Dr. Jatindra Nath.
Mullick, Babu Nirode Behary.
Pahlowan, Maulvi Md. Abdul Jubbar.
Rauf, Maulvi Shah Abdur.

NOES.

Addy, Babu Amulya Dhone.
Ahmed, Khan Bahadur, Maulvi Emaduddin.
Banerjea, the Hon'ble Sir Surendra Nath.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bose, Mr. S. M.
Chaudhuri, Rai Harendranath.
Duval, Mr. H. P.
Faroqui, Mr. K. G. M.
French, Mr. F. C.
Forrester, Mr. J. Campbell.
Gorden, Mr. A. D.
Hopkyns, Mr. W. S.
Huntingford, Mr. G. T.
Kerr, the Hon'ble Mr. J. H.
Khaitan, Babu Devi Prosad.
Khan, Mr. Razaur Rahman.
Lang, Mr. J.
Maharajadhiraja Bahadur of Burdwan, the Hon'ble.
Mitter, the Hon'ble Mr. P. C.
Nakey, Mirza Muhammad Ali.
Pugh, Colonel A. J.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Kumar Shib Shekhareswar.
Ray, Rai Bahadur Upendra Lal.
Ray Chaudhury, Raja Manmatha Nath.
Robinson, Major-General W. H. B.
Roy, Babu Nalini Nath.
Roy, Maharaja Bahadur Kshaunish Chandra.
Roy, Mr. Bijoy Prosad Singh.
Roy, Mr. J. E.
Roy, Mr. Tarit Bhusan.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy Chaudhuri, Babu Sailaja Nath.
Spry, Mr. H. E.
Stephenson, Mr. H. L.
Walsh, Mr. C. P.
Wheeler, the Hon'ble Sir Henry.
Wordsworth, Mr. W. C.

The Ayes being 22 and the Noes 39, the motion was lost.

At this stage the Council adjourned for 15 minutes.

After the adjournment.

Export of rice.

Babu AMULYA DHONE ADDY: I move that "this Council recommends to the Government that a representation be made to the Government of India for the resumption of the export of rice from Bengal to foreign countries."

In support of my resolution, I beg to state that there is a good rice crop this year in Bengal, Bihar and Orissa, the United Provinces and the Madras Presidency; there is also a bumper rice crop in Burma. With reference to this point, I beg to draw attention to the second

rice-forecast for the current official year. It appears from that forecast dated 21st December, 1921, that in Bengal, the yield is estimated at 6,806,300 tons which is estimated at 7 per cent. above the estimate for this time last year, and that the average outturn for the province of Bengal as a whole, is estimated at 95 per cent. of the normal. In the United Provinces, the average outturn is estimated at 80 per cent. of the normal. In Bihar and Orissa, as will appear from the first forecast, the crop is 110 per cent.; and as appears from the second forecast, the yield is estimated at 4,982,000 tons as against 3,585,000 tons which was the outturn for last year, or an increase of 41 per cent. Then, in Burma, Lower Burma especially, the crop is reported to be extremely good, and the outturn is much in excess of the normal.

Mr. TARIT BHUSAN ROY: I rise to a point of order. Does my friend's resolution relate to export from Burma?

The DEPUTY-PRESIDENT: He is quite in order in letting the Council know about the export of rice from Burma and other places.

Babu AMULYA DHONE ADDY: My contention is that had there been a shortage of outturn in Burma, even if we had a bumper crop in Bengal, I would not have recommended the export of rice from Bengal to foreign countries; but as we find that there is a good crop in this province, and a good crop in the adjoining provinces, and also a bumper crop in Burma, which is the granary not only of India but also of foreign countries all over the world, I recommend that rice should be allowed to be exported from Bengal to foreign countries.

As regards the price of rice, I beg to submit that it has been coming down year by year. As will appear from *Capital*, which is a commercial guide, that in February, 1920, the price of *kajla* rice, which is the cheapest and coarsest rice, was Rs. 6-6-0 rising to Rs. 7 per maund. In January, 1921, it ranged from Rs. 5-4-0 to Rs. 5-12-0 per maund; in January, 1922, it came down to Rs. 4-12-0 rising to Rs. 5-4-0 per maund. It thus appears that coarse rice, which is the rice consumed by the poorest people, has come down from Rs. 7 to Rs. 4-12-0 per maund. Then as regards *balam* rice, which is generally consumed by the middle class *bhadrologs*, as will appear from the proceedings of the meeting of this Council held on 10th February, 1921, the price in 1919 was Rs. 10 per maund; it came down to Rs. 9 in 1920; in 1921, to Rs. 7 this year it is Rs. 6 per maund. It will appear from the *Calcutta Gazette* that it is now Rs. 6. As a matter of fact I know that it ranges from Rs. 5-12-0 to Rs. 6-4-0 per maund, and in the interior of the Bakarganj district, it has come down as low as Rs. 5-4-0; in the famine year it was Rs. 10 per maund The Rangoon rice, which is also consumed in all parts of India, went up to Rs. 7 in 1920; in 1921 it was Rs. 5 per maund, and in the present

year it has come down to Rs. 5, and the price is stationary. It appears from the report of Messrs. Morrison & Co. of Rangoon that in Rangoon it has come down to Rs. 4-10-0 per maund. It thus appears that notwithstanding the fact that the Government of India have allowed the export of rice from Burma to foreign countries the price of rice there has come down to Rs. 4-10-0 per maund.

It appears from the *Calcutta Gazette* that in 15 out of 29 districts of Bengal the price of coarse rice is 8 seers per rupee. In 1921, in 5 districts the price was 7 seers per rupee, but this year in 15 districts it has come down to 8 seers per rupee. I find, in 4 districts of Bengal it has come down so low as 9 seers per rupee. Thus it appears that the price of rice in all parts of Bengal has materially come down. It may be said that the price of rice is still higher than that before the outbreak of the war; I admit that. But I cannot expect to have the price of rice so low as before the war, as things have altered; for instance, the wages of labourers have gone up, prices of clothes and other necessaries of life have also gone up. Unless and until you reduce the price of other necessaries of life as well as the wages of labourers, you cannot expect the cultivators to reduce the price of rice, and whenever they will find that they are suffering a loss and the market is lower than the cost price what will be the result? They will reduce the area of cultivation with disastrous effect. The Government were quite justified in prohibiting the export of rice during the great war; it was also justified in prohibiting the export of rice and other food-grains during the great famine. Now the war is over; the famine is also over; so what justification is there for Government to prohibit the export of rice from Bengal to foreign countries? Last year, the Government of India were pleased to allow the export of one million tons of rice from Burma. It also appears that in the coarse of six months—January to June 1921—18,000 tons of rice were allowed to be exported from the Madras Presidency; and 50,000 tons from Karachi were exported to foreign ports. But not a single grain of rice was allowed to be exported from Bengal; it is sheer injustice to the cultivators of Bengal that while export of rice was allowed from Madras, Burma and Karachi, they were not allowed to do so.

There is a variety of rice which is grown chiefly for export—I mean the table rice; it is not generally consumed in India. There is another sort of rice called the old hard table rice which is grown in the district of 24-Parganas only. Cuba is the only country in the world which consumes it. Owing to the prohibition of export to foreign countries the people who grow this rice have been hard pressed. If you do not allow the export of rice and the cultivators find that they are suffering a loss on their production they shall be under the painful necessity of reducing the area under cultivation, which would be disastrous. As a matter of fact, I know that when the price of jute came down, the cultivators began to grow less jute and took to other sorts of commercial products.

Similarly, if export is not allowed, the cultivators of rice instead of cultivating rice will cultivate other commercial products.

There is another danger to which I beg to draw your attention. The people of foreign countries are beginning to be habituated to the consumption of other sorts of rice. I admit that jute in Bengal has the monopoly; it is the cheepest fibre in the world; but so far as rice is concerned, Bengal has not the monopoly of rice. Even Burma has not the monopoly; there are other foreign countries which produce heavy quantities of rice. As will appear from a statement, the area under rice cultivation in Siam is estimated at 6,250,000 acres and the surplus available for export during 1922 at 1,400,000 tons. In Egypt, the area under rice cultivation is estimated at 302,000 acres, the weather was on the whole favourable and water supply sufficient. The yield of rice in Japan this year is 7,585,000 tons; so it will appear that there are other countries which produce rice and the foreigners who consume this sort of rice are going to be habituated to this variety of rice. If you continue to prohibit the export of rice there will come a time when foreigners will decline to consume Bengal rice; as a matter of fact, I have some experience in the matter. In the case of old hard table rice in which the district of the 24-Parganas has a monopoly, Government did not allow export for two years, however, on the representation of persons affected, and on the recommendation of the Government of Bengal, the Government of India were pleased to allow export of rice of 15,000 tons. You will be astonished to hear that not more than 3,000 tons had been exported because Cuba had become habituated to the consumption of Siam rice. So, if this state of things continue, there will come a time when the rice-industry of Bengal, nay of India, will be seriously affected. Two years ago famine raged in Siam and export was prohibited, but last year there was a heavy crop and the Government of Siam allowed the export of rice. Rice is produced in the United States of America also and the people there are going to be habituated to that sort of rice. The cultivators of fine rice sell off this variety to pay off their rent and other debts and purchase clothes and other necessaries of life, but retain or purchase coarse rice for their own consumption. The Punjabis sell wheat for profit but purchase millet for consumption. So if you do not allow the export of rice the trade will be seriously affected.

There is a large Indian population in Ceylon, who are habituated to Indian rice, and it must be cruel to them if the prohibition of export of rice is continued. I know Ceylon produces half the quantity of rice it requires, and it depends upon India and Burma for the balance. We have also a large Indian population in Arabia, Natal and the West Indies. Will it not be a source of hardship on them if you do not allow export of rice for their consumption? Similarly, Java cannot be expected to supply India with sugar and Mauritius also with sugar in exchange for rice. Europe supplies piece-goods in exchange for rice, and thus the

trade of the world would be seriously affected if export is not resumed at once. We depend upon other countries for the supply of certain goods and they are also dependent on us for the supply of rice. If you do not supply rice to them they may retaliate. Thus it would go against the interests of India not to allow the export of rice. It may be said that we do not want piece-goods from Manchester. I wish the time may come when we may be self-supporting, when we may be able to prepare our clothes by *charkas*, but I must say that the time is not yet come. So long as it does not come and so long as India is not self-supporting in connection with the supply of piece-goods, we must depend upon Manchester and other foreign countries. It is not advisable that we should prohibit the export of rice unless there are special reasons to the contrary. Ninety per cent. of the population of Bengal depend on agriculture directly and indirectly and 10 per cent. only are middle class *bhadrologs*. The prohibition of the export of rice has thus benefited only 10 per cent. of the population at the cost of 90 per cent.

It appears from the proceedings of the meeting of this Council held in February, 1921, that Babu Kishori Mohan Chaudhuri moved that this Council recommends to Government that the Government of India be moved to take such immediate steps as may be necessary to put a stop to the export of rice from India beyond such surplus quantities as may remain after meeting the demands of the country. He stated that only surplus quantities of Bengal rice should be allowed to be exported. I opposed him on another ground. I said that it was difficult to find out what the surplus would be, but on principle, I supported him and that resolution was practically unanimously accepted by the Council. So in accordance with the principle laid down by the Council I have moved this resolution that as we have got a surplus this year, we must move the Government of India for permission to export rice from Bengal. It may be asked that where are our facts to prove that we have got a surplus. The very facts that the prices have materially come down proves that we have got a surplus. It is a question of demand and supply; when the demand is more than the supply prices go up, and when the supply is more than the demand prices come down. And as prices have come down it must be presumed that there is a surplus; otherwise they would not have materially come down. It is a question of economics.

I would like to draw your attention to some of the speeches made during the debates on this particular question last February. Babu Indu Bhushan Dutta, who supported that resolution, stated that "rice should not be allowed to be exported from Bengal to the other provinces. Of course that was not accepted by the Council. He is also reported to have said that, "there are several people who are of opinion that the export of rice should not be allowed at all: this is too extreme a view to take. He himself admitted that the total prohibition of the export of rice would be too extreme a view to take." The contention of my friend strengthens my hands. I say that there is really a surplus of stock in

this province, as the price of rice has gone down materially. The price may go down to such an extent that the agriculturist may be tempted to diminish the area under rice cultivation and grow other crops which may be more paying. That would be a real danger to the country. In many districts of Bengal, a sort of rice of fine quality is grown which is not generally consumed here, such as table rice, and this table rice of fine quality may be regarded as a surplus; besides it is not needed for the requirements of the province, and so it may be easily allowed to be exported. My friend Babu Indu Bhushan Dutta has stated that, "it would be dangerous if the export of rice is not allowed at all. It would be dangerous if the cultivators reduce their area under rice cultivation." I beg to draw your attention to the observations made by some of the members of this Council on this question on the last occasion. Mr. Rhodes, a worthy representative of the Bengal Chamber of Commerce in this Council and now a member of the Legislative Assembly, said that, "so long as control exists and so long as trade is hampered, there is no hope of resumption of pre-war conditions." He has further said that, "the effect of the present restriction on the export of rice and wheat, causes the people to pay more for their clothes and for everything that they import. Then, Sir, the commercial community, both Europeans and Indians, strongly urged the Government of India to relax all control at the earliest possible date not only in the interests of commerce but chiefly in the interests of the people." I have quoted the observations of a leading member of this Council, and a representative of the Bengal Chamber of Commerce. Then, Sir, I will draw your attention to the remarks made by Raja Manillol Singh Roy who said that, "nothing stimulated home production like export trade." Then let me turn to the observations made by Kumar Shib Shekhareswar Ray who said that, "Government took an extraordinary measure in stopping the the export of rice only to meet an extraordinary situation brought about by war and the failure of rice-crop in several parts of India, but circumstances are quite different now." That was his observation last year. If that was the circumstance last year, certainly circumstances are more favourable for the export of rice this year. The Government of India will be quite justified, having regard to the present day conditions, in removing all restrictions on the export of rice from Bengal. If export is not allowed the result will be a considerable fall in the price of rice. Only a small section of the people will be benefited by this measure, a number of people who, as I have said, constitute only ten per cent. of the population. These people have other sources of income and the general rise of wages has bettered their position. Wages of labourers have materially increased during the last two or three years. It would be most improper to help these people at the cost of the cultivators. Some of my friends are under the apprehension that if we allow the export of rice, a heavy quantity of rice will be exported and thus prices will go higher.

[At this stage the member reached the time-limit, but was allowed five minutes more to finish.]

Babu AMULYA DHONE ADDY: I will simply state that export of rice from India alone ranges from 1·4 per cent. to 2 per cent. It appears that in 1916-17, it was 1·4 per cent. I quote these figures from the Government Resolution on the High Prices Inquiry Committee, dated the 27th April, 1921. The export of rice in 1916-17 was 1·4 per cent.; in 1917-18, it was 1·4 per cent.; in 1918-19, it was 2 per cent.; in 1919-20 it was 1·4 per cent. Even if we allow the export of rice, I do not think it will be more than 2 per cent. If we include Burma, it will not be more than 5 per cent.; it is only in the case of wheat that it may reach the maximum, namely, 20 per cent. There is no reason why the quantity of rice to be exported will not materially be less than that in normal years, because of the depreciation in the price of foreign coins. Germany used to import heavy quantity of rice, especially table rice. At that time the exchange value of their coin was about 22 marks for one pound sterling; now it has come down to so low a figure as 860 marks for one pound sterling. You cannot expect Germany to import rice in heavy quantities so long as the price of the German marks does not appreciate. It appears from the resolution of the Government that it is admitted that, " such restrictions on the prohibition of export must tend to depreciate the prices obtained by the cultivators and must therefore injuriously affect them and the surplus stock that they have at their disposal." The Government also admit, " that a large surplus notoriously exists." Government are in a position to know the true state with regard to the existence of a surplus and they admit, " that a *surplus notoriously exists*, and that any artificial measure taken to prohibit the export of rice and food-stuffs must tend in the long run to decrease production and the cultivators taking to the cultivation of other commercial products. Exceptional circumstances may justify extraordinary measures, but the permanent retention of such measures must ultimately affect production in a manner which would be highly prejudicial to home consumers."

I would like to draw your further attention to the speech delivered in the Council of State on the 16th February by the Hon'ble Member in charge of the Commerce Department. This is what he said:—

I may assure the Hon'ble Member who has moved this resolution that the Government of India are perfectly at one with him that the true interests of the country would be served by releasing and relaxing all restrictions on free trade with regard to food-stuffs at the earliest possible date. We realise much more than any body else can realise, that if we continue these restrictions upon exports indefinitely there would be a danger that the margin which at present is already very narrow and very small—the margin of production over consumption in India may be still further narrowed by driving agriculturists to grow crops—productive commercial crops, instead of food crops. We know that. We realise also that no Government machinery can ever advance the interests of the country by tinkering with trade.

We realise that the country is losing a large amount of mobilised capital which might have come into it if only India and Burma were in a position to export to foreign countries food-stuffs in the same manner as they were able to do before the war.

[At this stage the member reached the further time-limit allowed him by the Deputy-President.]

Babu AMULYA DHONE ADDY: May I have a minute more?

The DEPUTY-PRESIDENT: You ought to take your seat.

Babu AMULYA DHONE ADDY: I must bow to your decision.

Babu JOGENDRA NATH ROY being absent, the following resolution, standing in his name, was deemed to have been withdrawn:—

"This Council recommends to the Government that the Government of India be moved to remove the embargo on the export of rice from Bengal."

Maulvi MUHAMMAD ABDUL JUBBAR PAHLOWAN: I not only rise to withdraw the resolution which stands in my name but also to oppose the resolutions which have been moved by some of my colleagues (Laughter). One may wonder to see such a change and may attribute blame to me, saying that I am very fickle-minded. But if they would kindly hear my explanation, they will find that there is nothing to be wondered at. First, when I gave notice of this resolution, it was in the month of February when the crop was not harvested, but unfortunately at that time, the resolution was refused for not reaching the Legislative Department in time. However, on the 3rd of January, I again gave notice of this motion; even then I did not know what could have happened to it this time.

Adjournment.

At this stage, the Council was adjourned till Monday, the 6th February, at 3 P.M. at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Monday, the 6th February, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, the Hon'ble the three Ministers and 93 nominated and elected members.

Unstarred Question

(answer to which was laid on the table).

Alleged desecretion of a mosque in Mechuabazar by the military and police.

120. Maulvi A. K. FAZL-UL HAQ: (*a*) Will the Hon'ble the Member in charge of the Political Department be pleased to state whether it is a fact that the military and police entered a mosque in Mechuabazar on the night of the 24th and 25th December, 1921, and desecrated the building, tore several copies of the holy Koran and committed other sacrilegious acts?

(*b*) If so, what action are the Government taking against the offenders?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): (*a*) No complaint to this effect has ever been filed and the information in the possession of Government does not bear out the allegation. There were no military in the locality at the time.

(*b*) This question does not arise.

Resolutions

(under the rules for the discussion of matters of general public interest).

Export of rice.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): We now resume the discussion in connection with the export of rice from Bengal to foreign countries.

The Deputy-President first called on Rai Upendra Lal Ray Bahadur to speak.

Maulvi MUHAMMED ABDUL JUBBAR PAHLOWAN: I did not finish my speech yesterday.

The DEPUTY-PRESIDENT: But I thought you withdrew your resolution. If you want to speak, of course you can go on.

Maulvi MUHAMMED ABDUL JUBBAR PAHLOWAN: But when my resolution was published, I heard a cry of dissent from my constituency, which I daresay is the biggest constituency in Bengal, having a population of 2 millions of people. I am the representative or the spokesman of my constituency. Sir, can I go against its wish? Although I have more or less a self-interest in respect of the free export of rice, still I am obliged to oppose such exports from India.

With these few words, I oppose the motion.

Rai UPENDRA LAL RAY Bahadur: I rise to oppose the resolution about free export of rice from Bengal to foreign countries.

My opposition may look like an attempt to impose a restriction on free trade, but I have not the least desire to suggest anything of that nature.

Rice is the staple food of Bengal and many other parts of India. People grow it with the object of feeding themselves first and disposing of their surplus stocks afterwards. With unrestricted shipments, we have often found places in Bengal where, ordinarily, rice was available in any quantity depend on shipments from Burma and elsewhere. The argument is advanced very often by the exponents of free trade that it brings more money into the hands of the dealers. There is no doubt some force in this argument, but in discussing this question we have to go deeper and ask, why is money at all necessary. The real cultivator—the average villager—needs food to eat and clothes to wear. He never feels the necessity of having things of luxury and expensive amusements all of which cost money. If then, he can have his necessaries of life cheap, what does he care for having any money for luxuries at all. We have had several instances in which the produce of Bengal having been exported to foreign countries, she had to depend on other provinces for her food-supply. Is this not deplorable? Instances of carrying coal to Newcastle have often proved to be too true in the case of rice grown in Bengal. Following this policy, even Burma, which ordinarily supplies rice elsewhere, had to import paddy and rice from Chittagong and Calcutta ten years back. I do not mean to say that export should be stopped altogether, but in the interest of the cultivators and the average villagers, I am opposed to any action which may have the disastrous effect of depriving them of the fruits of their labour for their own maintenance.

We have to consider another aspect of the question. Why is rice exported out of India to foreign countries? Is it for food alone or for manufacture of starch, wine and other materials? If it is for supply of food to people whose staple food is rice and who cannot grow it in their

own country, I have not the least objection to them getting their requirements from India, but when we find that our own food-stuffs are shipped out of our own country for purposes other than food-supply and such shipments have the immediate effect of a rise in prices, I, in the interest of the consumer in India, must protest with all my power. Economic conditions at the present moment have become so bad to a great extent by the circulation of money in its present form. There are many cultivators without foresight, who feel tempted to dispose of all their produce when they get ready money and beyond their expectations, but when they have to buy again they realise their own mistakes. There are others who buy articles of luxury with the money thus obtained, but when they have to buy their food-stuffs again they find themselves placed in a hopeless muddle.

By way of protection against this state of things, I oppose the resolution on principle. I do not know whether the quantity of food-stuffs grown in India is sufficient for meeting the requirements of its people if they take two meals a day. How many are in a position to do so? Is it not a fact that they are losing their health and vitality for want of proper nourishment? Statistics will show that the produce of rice and wheat in India is not sufficient for their own requirements if the inhabitants are allowed full meals every day. What can be more deplorable than this if we are allowed to send away our food-stuffs without any restriction whatsoever? If we look at the subject from a political point of view, I am sure a good deal of discontent will die out, if the people can get their daily meals at cheap rates. Although a dealer in rice myself, I am afraid I cannot agree with my friend, the mover of the resolution. I know Babu Amulya Dhone Addy has an extensive business in rice. In all fairness to him, I may say that even if shipments to foreign countries are restricted or stopped *in toto*, dealers will not suffer at all. There have been and will always be dealers in rice as in other commodities in all ages and in all countries, and opportunities for money-making will also not be wanting because every man is not a cultivator.

I know it for a fact that whenever free exportation is allowed, the price goes up automatically. Although this gives an air of bringing more money into the pockets of the dealers as also of the growers, the effect is lost when at the end they find that they have to pay much more than they had earned in the shape of extra profits. Turning to the question of labour, it is evident that, if articles of food are cheap, labour will be less expensive and this will benefit the cultivator to a great extent, as it is known to all that the cultivators themselves have to employ labourers for their work in the fields. If labour is cheap it will not only help mill-owners and other big employers of labour but the middlemen and even the cultivators. If labour is cheap, the cost of the production becomes less, and it does not affect the grower if at the end the article fetches a lower value.

There are many people who recklessly speculate on articles of food and clothing. To them, I appeal in the name of humanity to abstain from raising the value of such articles unnecessarily.

If it were possible to fix the requirements of the actual consumers in India and elsewhere, and to regulate the export accordingly by some means or other, I would not have the least objection to free trade in respect of the surplus stock left after meeting these requirements. It should be the aim of every person, big or small, to see that food-stuffs are available at cheap rates to the consumers at large. The resolution, if accepted, will strike at the root of this policy.

Experience has told us that whenever the price of rice is high other necessaries of life automatically rise in value.

Although restriction of any shape is not liked by a business man, I am sure, no one will deny that the restricted shipments of rice from Burma and Bengal to foreign parts in years of scarcity helped the people to get their food-supply, and the country was saved from starvation. The real trouble arises when the officers in charge fail or refuse to consult the local merchants and associations in respect of allocation of space and tonnage and issue of licenses for shipment. If they take the parties engaged in the trade into their confidence a good deal of trouble and ill-feeling may be easily saved.

I have heard it said that if free exportation of rice is allowed, it will bring more money into the hands of the growers and they would thereby be able to pay off their rent to their landlords more easily than they would otherwise be able to do. As I have said before, I am not opposed to exportation of the quality not used in India and of the surplus produce, but in their attempt to make ready money the cultivators may forget their own requirements and the result is bound to be disastrous What would happen if, to the exclusion of rice, jute or some other commodity was grown in the whole of Bengal which would fetch more money? If money be the only consideration, I cannot for a moment attach any value to it, if with the money in my pocket I cannot get my food to eat. I fail to see the force of the argument that landlords would be affected if the cultivators cannot earn a profit by sale of their rice and paddy. The proportion of rent to the actual outturn of crops on every plot of land is very insignificant. The fact in the past ages when rice could be had at rupee one per maund, rent and revenue seldom fell into arrears speaks for itself.

I do not also understand why we should be afraid of Java, Mauritius and Europe who, as my friend Babu Amulya Dhone Addy suggests, will retaliate by stopping their supplies of sugar and piece-goods to India if India fails to supply them with rice. May I ask my friend whether those countries send out their produce out of a feeling of charity towards the people of India? Do they not keep their own requirements before they think of exports outside? I would rather welcome such restriction, as

this would give an impetus to the revival of our own industries for which there is ample scope in India. Let the country realise that it can stand on its own legs and be not dependent on foreign countries for its requirements specially in the matter of food and clothing.

Babu INDU BHUSHAN DUTTA: I must confess, I cannot congratulate my friend, Babu Amulya Dhone Addy, the prince of rice merchants, for having brought this resolution. Just a year ago, both the Government of Bengal and this Council accepted the proposition that the decision of the Government of India to prohibit the export of rice from India proper, was correct and should not be changed. As the matter is an all-India one, the discussion by a provincial legislature cannot be as complete as one would desire: but, I think it would strengthen the hands of the Government of India if this province—the richest rice-growing province in India proper—gave her opinion that the export of rice was not desireable.

What has happened during the last 12 months that we should be asked to go back upon our decision so soon? From the mournful tone in which Babu Amulya Dhone Addy read out the list of prices of rice in different parts of Bengal, one would have thought that he was extremely mortified that the price of the chief food-stuff of this province was at last coming near its pre-war level. We have so long been used to inordinately high prices that a price of Rs. 5-8-0 per maund seems low to us. But is it not still higher than the pre-war average price? Last year at this time the price was Rs. 6-8-0. This year it is Rs. 5-8-0; only a reduction of 15 per cent. in the price. Is it such an awful reduction as to necessitate a heartburning in the minds of the rice merchants of Bengal? Why has the price come down? Babu Amulya Dhone Addy has talked a great deal about the economic law of supply and demand. This law is all right as far as it goes, but I must confess that the misinterpretation of this law has caused more economic fallacies than anything else. The price of cloth, the price of sugar, the price of steel, the price of hessian, even the charge for ocean freight, has come down considerably. Is all this due to the iron law of supply and demand? The law of supply and demand does, no doubt, play some part, but the world-fall in price has surely affected the price of rice to a considerable extent also. Then again, is it fair to take into account the price of rice at this season of the year, when the seasonal reduction of price brings it to an absolute minimum?

The good crop of this winter has made Babu Amulya Dhone Addy believe that the country is full of surplus rice and it is better that the surplus should be reduced. Sir, as I said last year, one good crop does not make a surplus, as one swallow does not make a summer. In this country, where the success or failure of a crop depends mainly on the nature of the monsoon, where one good year is generally followed by two

indifferent and one bad year, it is always unsafe to grow jubilant over one prosperous season. The season of 1919 was prosperous, but was not its promise belied by subsequent events? Mr. Rushbrook Williams, in his book, *India in 1920*, which is the latest official report for the use of the British Parliament, thus describes the situation:—

> The promise held out by the prosperous season of 1919 was unfortunately not fulfilled. In certain parts of India, the monsoon of 1920 has been seriously in defect and it has become evident that scarcity and famine will again have to be faced . . . By the end of the year 1920, the famine relief machinery of India was set in motion for the benefit of some 92,000 persons. Grants of money have been sanctioned for the affected areas, and relief works and gratuitous relief have also been provided. Revenue has been remitted on a generous scale, and preparations have been made to meet future developments.

This was the cloud in the Indian horizon only 12 months ago: now that a mere glimpse of a silver lining is visible, is it right that we should rush on to denude the country of its stock of rice by allowing export? No, Sir, unless and until the country has been able to accumulate a good surplus reserve, any talk of export is not only premature but positively dangerous.

Then, Sir, we have been told that 90 per cent. of the people being agriculturists, would derive benefit if the price of rice goes up, and that the minority of 10 per cent. have no right to take advantage over this large majority. This looks like a very commendable argument—this solicitude for the poor raiyat. But is the argument true? A mere assertion does not make a statement a fact. Let us concede that 90 per cent. of the people do depend on agriculture, though I doubt the proposition very much. Can Babu Amulya Dhone Addy tell me by facts and figures, what percentage of this 90 per cent. grow rice, and sufficient rice to give them a surplus, after meeting their own necessity for the year? He will find that this percentage is rather small. My experience is that the majority of the raiyats do not grow sufficient rice to last them the whole year. They have to purchase rice during some months of the year, and it unfortunately happens that they have to purchase in July and August when the price is at its highest. Is it not a great hardship to them? Then, Sir, what about the large body of day-labourers, and the middle class wage-earners? We have seen how the high prices of the necessaries of life has cost the province a large amount in the increased revision of pay of the Government officers. Are you going to keep up that high price for ever?

Babu Amulya Dhone Addy has appealed to us to sympathise with the poor raiyat. I confess that sympathy with the poor raiyat is a trump-card in this Council. But is Babu Amulya Dhone Addy sure that the raiyat gets the fullest advantage of the high price during the export season? Is it not the *baparis* or the middlemen who take the lion's share? The ordinary raiyat is so poor that he has sometimes to take *dadan* or advance money from the middlemen and mahajans and sell his crop in the

field. His share of the high price is indeed small. Is this Council going to help in fattening the already fat middlemen?

Babu Amulya Dhone Addy has warned us that Java will not send us sugar, nor will Europe send us piece-goods, if we do not send them rice. Sir, if these be the reasons for exporting rice, I think I would rather forego the favours of Java and Europe. But his argument is not correct. In spite of the prohibition of export, Java has sent sugar and the price of sugar has come down very low. In spite of prohibition of export, Europe has sent piece-goods and is ever anxious to send more and more. Babu Amulya Dhone Addy is afraid that as the present production of piece-goods in India is not enough to meet its requirements, we ought not to taunt Europe to refusing to send us piece-goods. Sir, a hundred years ago, when there were no piece-goods imported from Europe, our ancestors did not go about in primitive nudity, and Babu Amulya Dhone Addy may rest assured, that if we do not import a single yard of piece-goods, we shall not go about in airy clothes. The country will make a superhuman effort to produce the necessary quantity and the signs are not wanting that the country is already doing so.

Babu Amulya Dhone Addy has quoted my last year's speech during the rice debate, saying that I was not absolutely against export. Sir, I said last year, and I repeat it now, that if Babu Amulya Dhone Addy can prove that there is considerable reserve surplus in the country, I would agree that some part of it might be exported. If Babu Amulya Dhone Addy had only asked for the export of that quantity of table rice, which is not used in this country and which may, therefore, be regarded as a surplus, then I might have supported him, but as the proposition stands, it is impossible to agree to it. If Babu Amulya Dhone Addy had brought a resolution to increase the price of jute, he would have had the whole House with him. But to ask us to increase the price of the prime necessity of life is not only absurd but dangerous. Let him not forget the Bengalee adage which says that when the price of food-stuffs continues low, all other commodities are bound to go down in price.

Mr. TARIT BHUSAN ROY: It is always a matter of delicacy and difficulty for one to plead his own cause, yet we have seen how our friend Babu Amulya Dhone Addy—himself a rice merchant of no mean importance—has presented his case without exhibiting the slightest sign of diffidence and trepidation. If I knew it I could persuade myself to believe that production in the country was in excess of requirements, I should certainly be the first person to join hands with my friend Babu Amulya Dhone Addy. But knowing as I do that production in Bengal is not in excess of requirements—I shall prove that from figures—I oppose the resolution of my friend Babu Amulya Dhone Addy. It is an elementary maxim of political economy that no country should think of exporting its food-grains unless and until there is a surplus. Well, my

friend has referred us to statistics—the forecast of winter rice-crops published in the *Gazette* in December, 1921. His estimate, according to that forecast, is an yield of 6 millions and 8 lakhs tons. I say that this is an underestimate. I will assume that the yield will be more than that. The winter crops, it appears from the Government forecast of outturn, are 6 millions and 8 lakhs tons which is equivalent to 186 million maunds. My friend has omitted to take into account the estimated yield of the *bhadoi* crops and the total outturn of that is 1 million and 8 lakhs tons or another 50 million maunds. The total estimated outturn, therefore, of rice crops, winter and *bhadoi*, will be about 236 million maunds.

Now let us come to the question of our requirements. What is the requirement of every man in Bengal? I say the average requirement according to the estimate of the Famine Commissioners made in 1902 is 1·36 lb. per head per day. In other words it is eqivalent to 6 maunds per head per annum. Now let us turn to the population of Bengal. According to the census of 1911 it was 45 millions and odd. According to census of 1921 it is 47½ millions. Now calculating—it is only a question of pure arithmetic—I find that the average requirement of Bengal is 285 million maunds. We have seen that the average production of our country is 236¾ million maunds. This is the position in a season of bumper crops. I admit that there is a prospect of good harvest. I would not dispute that proposition for one moment. What is the position then? We find there is a deficit or shortage of 48¾ million maunds. I challenge my friend Babu Amulya Dhone Addy to dispute that proposition.

Let us look at it from another point of view. What is the average income per head of our populaion in this country? According to Sir David Barbour and Lord Cromer it was Rs. 27 per head per annum. According to our esteemed countryman, the Grand Old man of India, the late Mr. Dadabhai Naoroji of revered memory it was Rs. 20 per head per annum. That was also the estimate, the opinion of no less a personage than the Hon'ble Sir Surendra Nath Banerjea. The average income then is between Rs. 20 and Rs. 27 per head per annum. According to the Famine Commissioners each man requires 6 maunds of rice each year. Now let us see how much one has to spend for rice alone in our country. Taking the price of one maund of rice at Rs. 5, how much has one man got to pay for his requirement in rice alone. It is Rs. 30. That is the position in this country. I will not admit, although my friend has put it that the price of rice has come down to Rs. 4-8 per maund. It is not the case. The price is more than that. My friend, Mr. Khaitan, in giving evidence recently before Indian Fiscal Commission which came to Calcutta also expressed the view that production in our country is not sufficient for our requirements so far as food-grains are concerned. That being the case, how can you think of removing the embargo on export of rice? There is no doubt that the people of this country are poor, so poor that no less an authority

than Sir William Hunter, the famous historian, said that 40 millions of Indians lived on one meal a day. That is not a figment of the imagination, but a cold and stern fact. I will place before the House the considered opinion of the Duke of Argyle as to the nature of poverty in India:—

> Of poverty and of destitution, more or less temporary, and among individuals in European countries, we know; but of chronic poverty and of permanent reduction to the lowest level of subsistence, such as prevail only too widely among the vast population of rural India, we have no example in the western world.

That is the verdict of the Duke of Argyle. As regards the cost of subsistence, we all know what it is now. But what was the cost in the early part of the 19th century—about the year 1913? It was between Re. 1-8-0 and Rs. 2 per head per month. This is not my opinion. It is the opinion, the considered opinion of Sir Thomas Munro. Taking the estimate of the cost of subsistence of Re. 1-8-0 or Rs. 2 per head per month my friend, Babu Amulya Dhone Addy, maintains that prices have not gone up enormously in this country since 1813—and this in a country where poverty is chronic, where there is eternal impoverishment, suffering and misery and where the people die like rats in millions every year? About 60 lakhs of them died during the last epidemic of influenza in India, and about 8 lakhs die every year of malaria in Bengal. There is no question that the people here are underfed. They cannot afford to buy rice and other necessaries of life and yet my friend, Mr. Addy, comes before this House and seriously asks us to accept a proposition for free export of rice which can only lead to one result—inevitable disaster.

One word more and I have done. I should like, in this connection, to place before the Council the opinion of the non-official Prices Inquiries Committee which sat in Calcutta—a Committee which was appointed by the last Legislative Council. It was presided over by a gentleman who is now presiding over our deliberations here—I mean our Deputy-President, and what was the opinion of that non-official Committee? It is this:—

> Dealing first with the question of high price of rice and the causes of such high price, we shall proceed to suggest what we consider to be the remedies for such a state of things. We consider the following to be the principal causes of the high price of rice:—
>
> (1) Shortage of supply.
>
> (2) Export of rice.
>
> (3) Profiteering.
>
> (4) Lengthening of the chain of middlemen connecting the producers and consumers in certain cases.

Further comment on this is, I think, unnecessary. With these words I oppose the resolution.

Babu DEVI PROSAD KHAITAN: I wish I could support the resolution moved by my friend Mr. Addy, because as a merchant I would have profited by the export of rice, but looking at the economic condition of the country it becomes my duty to vehemently oppose this resolution. It is a great mistake to take on trust that there is an exportable surplus of food-grains in this country. The formula which is often adopted to ascertain the requirements of the country is this: the quantity produced minus the quantity exported is equal to the requirements of the country. Unfortunately, Sir, this is the formula that has been adopted for great many years. But, Sir, if we only look into the actual condition, we cannot but agree with Lord Sinha when he said before the Overseas Conference in 1918, that literally millions of Indian people are on the border of starvation and that half the population have never had a full meal a day. The Hon'ble Mr. Sarma, who is now the Revenue and Agriculture Member in the Government of India, said in 1919, that at the lowest estimate there were at least 5 millions of people in India who were able to procure only one meal or half rations a day and some are actually starving. Mr. Montagu, the Secretary of State for India, ascribed the staggering number of deaths in India from the last influenza epidemic partly to insufficiency of food. Now, Sir, in these circumstances it is impossible for anybody to assume that there is any exportable surplus. The only way in which we can find out whether there is an exportable surplus or not is to follow the method by my friend Mr. Tarit Bhusan Roy. Take the number of people—take their requirements and then make up your calculation. Include also the wastage and the quantity required for seed and fodder. We must adopt that principle and for this purpose we cannot take the case of rice alone—for the argument of my friend Mr. Addy referred to rice alone. The latest official estimate is that we require at least one-fifth ton of food-grains per head per annum including wastage. Taking the population of India to be 320 millions, we get the figure that for food wastage and seed alone we require at least 64 millions tons of food-grains per year. Then comes the question of cattle food. The latest figure for this purpose is 15 millions tons per year. Taking the two together, we come to the conclusion that the minimum requirement of the country is 79 million tons of food-grains per year. If we then take into consideration the quantity of produce in India for over a number of years, we find that in 1912-13, the quantity of food-grains produced was 515 lakhs tons as against 790 millions tons required for our purpose. In 1913-14, the quantity produced was only 498 lakhs tons; in 1914-15, the quantity produced was 540 lakhs tons; in 1915-16, it was 590 lakhs; in 1916-17, a

bumper year, it was 629 lakhs of tons only. In 1917-18 again, another bumper year, the quantity produced was the same; in 1918-19, we had only 424 lakhs tons.

This is, I think, enough to show that there is certainly no exportable surplus. My friend, Mr Addy, has rushed to the conclusion that there is exportable surplus from the fact that the price of rice has gone down from about Rs. 6-6-0 to Rs. 4-12-0. Sir, the cost of rice alone cannot be considered in this connection, the buying capacity of the world has also got to be taken into consideration. I myself am a great exponent of the doctrine that the prices of things are guided by the law of supply and demand; I am again an exponent of the doctrine that a rise or fall in prices often helps the consideration whether there is an exportable surplus or not, but, at the same time, it is very wrong to consider these two economical principles independently of the buying capacity of the world If the buying capacity of the world is diminished, the prices of all commodities must diminish. My friend, Mr. Addy, forgets that the rates of freight have come down from 200 shillings to 22-6*d*. and that the prices of imported and indigenous piece-goods have also gone down considerably. I will give you the figures from April to November, during the last two years being the latest available ones.

In April to November, 1920, the import of piece-goods in India was 104 crores 37 lakhs yards of the value of Rs. 6,483 lakhs giving an average price of 10 annas per yard. Comparing these figures with those of 1921, we find that from April to November, 1921, the import of piece-goods in the latter year was 72 crores 8 lakhs yards of the total value of Rs. 3,084 lakhs giving an average price of 6¾ annas per yard. Then if we take up the price of indigenous goods during that period, we find that the production of piece-goods by power-mills from April to November, 1920, was 108 crores and 52 lakhs yards of the total value of Rs. 4,365 lakhs giving an average price of 6½ annas a year, and in the same months of 1921 the production was 116 crores 13 lakhs of the total value of Rs. 4,082 lakhs giving an average price of 5½ annas per yard. So this class of piece-goods, also the average price, has come down from 6½ annas to 5½ annas per yard.

Coming to salt, we find that in the beginning of last year the price was Rs. 150 per hundred maunds excluding duty. Now it is only Rs. 95. Turning to Hessian, we find that while about a year ago the price was Rs. 25 per hundred yards, it has come down to Rs. 11-8 as now. The price of sugar was about Rs. 28 last year and this year it is only Rs. 14. If all these prices are considered, my friend Mr. Addy will find that rice has not been an exception to the rule. In fact it is well known that notwithstanding the scarcity of jute and notwithstanding the law

of supply and demand, we find that the price of jute has come down from Rs. 75 to Rs. 54 owing to a decrease in the buying capacity of the world—a fact which might tempt my friend Babu Tarit Bhusan Roy to move a resolution as he did last year, urging on the Government to take action to reduce the output of jute on similar lines as taken in Egypt and America with regard to the growing of cotton.

In these circumstances, it is quite clear that no case has been made out to show that raiyats are experiencing any difficulty simply because the export of rice has been prohibited.

My friend, Babu Tarit Bhusan Roy, has given the figures about the average income in India. In this connection, I will quote certain figures from Sir Visheswar Aiyar's book on *Reconstructing India.*

> At a rough estimate, the entire assets of India, including the value of land, buildings, furniture, gold, silver, live-stock, factories and other property, amounted to £3,500,000,000 before the War. This distributed among the population of British India, works out to about £14 per head. The corresponding figures for other countries were; the United States, £391, the United Kingdom, £320, Australia, £262; Canada, £259, and Japan, £52.

These are figures which ought to convince anybody that India cannot compete in the purchase of food-grains with other countries because the average capital owned in India is much less than in other countries.

The only other thing that I should like to point out to Mr. Addy is this. He argued that if we do not export rice, we would not get sugar from Java and piece-goods from Europe. Sir, I cannot understand this kind of logic. Mr. Addy fears that exchange will be disturbed if we do not export. It may be disturbed because of the fact that there being less export the exchange is sure to rise up. But, Sir, it is fallacious to think that simply because we will not export rice, England will not send piece-goods in return. In fact the export and import trade and exchange are not regulated by the trade of one country with another particular country, but the trade of the whole world must be taken into account.

Taking that into consideration, we find that the export of rice is so insignificant in relation to the export of the whole of India to other parts of the world that there is no apprehension of the trade of the whole world being disturbed if India does not allow export of rice.

My friend Babu Amulya Dhone Addy then argues that if the export of rice be not allowed, the cultivators will begin to cultivate jute instead of rice. As I have already stated, the price of jute has come down and my friend need have no apprehension whatever that the cultivators will begin to grow jute instead of rice. My friend also fears that, if the export of rice be not allowed, other countries will begin to eat other food received from other countries. I can assure my friend that he need have

no apprehension on this score at all. In this connction, I would remind him that the question must not be considered in its relation to rice only and Bengal only. All the food-grains of the whole of India should be taken into account and I would not be far wrong in saying that there seems to be no possibility of our country having any exportable surplus for several years to come.

In these circumstances, I oppose the resolution.

Khan Bahadur Maulvi EMADUDDIN AHMED: In a Council where most of the members have not to produce rice, I think, this resolution which has been moved by Babu Amulya Dhone Addy is doomed to failure. But, Sir, we must look to the stern facts before we decide this way or that way. Several speakers have said that the price of sugar has fallen down, that the price of cloth has fallen down and that the price of rice has fallen down. May I inquire, Sir, whether the cultivators who grow paddy care for sugar? The price of cloth which has fallen down, no doubt, affects them, but it has not appreciably fallen down. I could have understood if the price of the cloth had appreciably fallen down that it would have benefited the cultivators, but that has not been the case. The price has been artificially kept high. Then as regards the bullocks which are necessary for cultivation not a single speaker has referred to them. Do they know that the prices of bullocks have gone up abnormally high? The cultivators who have to grow their paddy have to buy their bullocks and do they not care that the price of bullocks have gone up appreciably? Therefore, is it not right that they must get a high price for their paddy? Unless they get it, how can they purchase bullocks? The labourers are also demanding higher wages now and they require the labourers for the purpose of growing paddy. Therefore, it is evident that the cultivators have to incur larger expenses for growing paddy and how can they meet these charges unless they get higher prices for their paddy? All these things have got to be considered before we decide the question. We must also see how many of our people are to be benefited. There are other questions to be considered too. Besides, *aman* paddy, we have to take into consideration the question of *rabi* crops. It is a staple food-crop and this also ought to be taken into consideration before they come to the conclusion that so much rice would be necessary for the whole day's consumption. Last year when this question was raised, a friend of mine stated that if prices of rice come down you will find the price of bullocks and labour will also come down. I have seen the price of rice come down, but the prices of labour and bullocks have gone up. There is another aspect of the question; cultivators live to considerable extent on the produce of their land; if you give them encouragement, if they get higher prices for their rice, they will agree to grow only paddy. If they find prices of rice coming down, they will not grow paddy, but will grow other food-stuffs or may grow jute in large

quantity. The export of rice ought to continue as it was before. When you could not help them by bringing down the price of cloth and other necessaries why should you place this embargo on the export of rice?

On these grounds, I support the resolution of my friend Babu Amulya Dhone Addy.

Maulvi MUHAMMAD MADASSUR HUSSAIN: I rise to support the motion moved by Babu Amulya Dhone Addy. The unfettered reign of the law of supply and demand should be the motto of every civilised country unless exceptional circumstances justify us in putting restrictions on the same. I quite admit that exceptional circumstances justify exceptional measure. If the country be threatened with famine, if the whole outturn of rice is not sufficient to feed the people of the country, you may put a restriction on the export, but my friend, Mr. Addy, has shown very clearly and lucidly that the outturn is certainly more than what we require for our own use. Therefore, Sir, it will be improper and impolitic to keep the rice which we do not require for our own use. A vast majority of the population of this province depend on agriculture. They are rice-growers. These rice-growers, after meeting their wants, sell the surplus for paying rent, purchasing cloth, salt, and other necessaries of life. If you cannot regulate the price of cloth and other necessaries of life, then why do you control the price of rice? These rice-growers have to purchase their necessaries of life at a price which is regulated by the law of supply and demand. If you cannot force other persons to sell at an artificial value, then why do you force these rice-growers to do so? I submit that by doing this you lose a good deal of wealth. If you can sell the surplus at a high price, it will bring you more wealth from other countries and provinces. If you fail to sell the surplus so much wealth will be lost. Moreover, it will be doing injustice to the rice-growers inasmuch as, if the rice sells cheap, these rice-growers will be compelled to sell more rice for purchasing other necessaries of life, thus leaving very little for their own use. It may be urged that wage-earners will be hard hit if the price of rice rise high. I submit that these men have already adapted themselves to the circumstances by getting increment of their wages. I know from personal experience that these wage-earners are in a better position than the raiyats. The labourer may declare a strike and get an increase, but what are the poor raiyats to do? Their remedy lies in the unmitigated reign of the law of supply and demand. Rai Bahadur Upendra Lal Ray says that people will be satisfied if they get cheap rice. I deny this. The contentment of the people does not depend on the cheapness of rice, but in the ability to purchase rice. Suppose, rice is selling at Rs. 2 per maund, can a pauper who has no money purchase it? I say "no." The contentment of the people depends on their possession of money and on their ability to earn money. It seems to me that the proposition is utterly fallacious. Babu Indu Bhushan Dutta says that the price of cloth,

and other necessaries have come down. As one of the mufassal consumers, it seems to me that the proposition is not correct.

Some of my friends have said that Mr. Addy, being a rice dealer, is trying to move the resolution, but he may retort that those who are under the necessity of purchasing rice is opposing the resolution for getting cheaper rice by prohibiting export.

Mr. Tarit Bhusan Roy, by manœuvring figures, says that enough rice has not been produced and therefore export should be prohibited, but he admits that there has been a bumper crop. If there is bumper crop there must be surplus. If it was exported in other years of bumper crop, then why should it not be so in this year? No reason has been assigned for this anomaly. His calculation does not seem to me to be correct. Daily 1·33 lbs. does not make 6 maunds. Moreover, infants and babies do not take rice. As my friend, Khan Bahadur Emaduddin Ahmed, has pointed out, pulse is one of the staple crops of the province and the inhabitants of the Rajshahi division in Eastern Bengal and a part of the Presidency division for the most part of the year, depend upon the pulse. This has not been taken into consideration. Therefore, the figures quoted by Mr. Tarit Bhusan Roy are incorrect, and absolutely fallacious; they are misleading and do not represent the true state of things.

With these few words, I support the resolution moved by my friend Babu Amulya Dhone Addy.

Babu KISHORI MOHAN CHAUDHURI: I am sorry I cannot support my friend, Babu Amulya Dhone Addy. There is not much difference of opinion between us as to whether any surplus quantity of rice ought to be exported or not. The question is whether there is any real surplus in the province. That is a difficult question to answer and the calculation is not very clear; my friend has not been able to tell us what quantity of land produces rice in Bengal, and what is the yield and how much we require for our own consumption. Whatever may be the yield, consumption and export from other provinces, I do not know whether Bengal may be able to export any quantity at all. One thing is quite clear that even if it is decided that rice should be exported, the real producers, the cultivators, who must sell their produce, will not be benefited this year by any such decision. By this time the *mahajans* and the landlords will have realised their dues from the cultivators, and beyond what they keep for their own consumption, nothing will now be remaining. The well-to-do cultivators might have been able to save something for themselves, but the real poorer section of the people will not be benefited if the embargo on the export of rice is removed. So really no case has been made out that the removal of the embargo will benefit the poor. I notice, in other provinces, there is a demand that even wheat should not be allowed to be exported. If that is so, why in Bengal, should we be anxious to send our food-grains elsewhere? My

friend says there is a bumper crop this year, and if you do not allow export this year, the result will be that next year there will not be so much land under paddy cultivation. Personally, I would like to see less land under paddy cultivation. Unfortunately in this country, agriculture is in its primitive state, whereas in other countries it has made much progress. A time will come, if proper help is rendered and scientific methods of improved agriculture introduced, when one-fourth of the land will produce the quantity required for our consumption; the other portion could safely be utilised for growing other crops which will be to our advantage,—I mean sugarcane, potato and other things which will be really beneficial to the cultivators. I really think traders and middlemen should not be allowed to do things as they like. Protection is necessary to some portion of the province. Whatever that portion may be—there may be dispute between Babu Amulya Dhone Addy and myself as to the proportion, he says it is ten per cent., I say it is much more—agriculture is not confined to rice cultivation alone; a large number depend upon the produce of the land, but I believe the number of purchasers is not very large; if anything is to be done for their benefit, and if real protection is necessary, I think we should not allow our food-grains to be over-exported. Labour depends much on the price of food-grains; if the price of food-grains is higher, the higher will be the price of labour. I believe that Government will take the necessary care to ascertain the real quantity of produce, what amount should be imported, what should be retained for our own use here, and what should be allowed to be exported. The decision which has been arrived at by the Government of India has not been made known to us, but I do not think that my friend has been able to make out a very good case.

With these words, I oppose the resolution.

Khan Bahadur Maulvi WASIMUDDIN AHMED: On a subject like this, it is extremely difficult to give any decided opinion when much has to be said on both sides, and when the whole House has been flooded with figures and pounds and shillings; and it is all the more difficult to speak on this subject without such figures at my back. But I shall try to place before this Council certain broad facts which have to be taken into consideration before deciding this question. The present policy of Government is not a very sound one. Of course, one can understand if there is no export of rice at all, the price of rice will go down, and the people at large would be benefited, but what happens now? These exports are allowed by fits and starts, and by this process only speculators who can afford it, buy a large quantity at a low price and stock it for years, and watch their opportunity and send away the rice to foreign countries. By this process speculators only are benefited and nobody else. If you allow export to these countries when the cultivators bring in their produce to the market, there would be many competitors, all eager to purchase, but at present they do not know if they will

be allowed to export and how long they would have to wait, so they do not go to the market to purchase, and cultivators are obliged to sell their commodities at a very low price; the purchasers sit tight and retain their stock; they do not consider whether people are going to get their food, or whether the poor are starving; they have no humanitarian principles, their only consideration is to get more money and nothing else. I remember when Mr. S. C. Mukherjee was Collector of Pabna, rice was selling very high and a merchant who is no longer alive now, had large quantities of rice stored; the Collector tried his best to induce him to sell rice at four annas below the market rate; but in spite of all his endeavours he could not induce this gentleman to sell; this is further corroborated by the fact that in 1917 there was a bumper rice crop and there was a cry in the district of Barisal that cultivators could not secure even one pair of *dhoties* unless they sold six maunds of paddy, and rice was selling very low and the price of cloth was very high. At that time they did not even know how to pay their *mahajans* and landlords. Take, for instance, a cultivator, who borrows Rs. 50 on interest at the rate of 2 pice per rupee, that is Re. 1-9-0 per month, or Rs. 18-12-0 per year. For securing that amount at present the cultivator has to sell six maunds of paddy and he has to make other purchases; he has to sell some three maunds of paddy before he can get even a pair of *dhoties*. So how can you expect that they can afford to grow rice and sell at this price and purchase their other commodities at such very high prices? Some of my friends have argued that if the price of rice comes down, the price of labour and cattle will also come down. That argument is fallacious. We know that these cultivators have no budgets, no profit and loss account; if they had any such things they would tell them that rice-growing is not profitable business. For labour they have to compete with mill-owners with money enough to declare dividends of 300 and 400 per cent.; they are working at a loss and getting into debt every day; yet they have no choice; they must follow their vocation and the result is that they start growing jute which pays them better. If you allow this to go on for a time you will find that they will learn something like arithmetic and see what else they can do.

My friend, Babu Amulya Dhone Addy, has said that they can produce some other crop; that they must do if rice-growing proves unprofitable. Your philosophical principles, your arithmetical arguments and these things will hold no water unless you can show to the cultivator that their produce, their business of growing rice is at least a profitable one; you must show them that rice-growing is profitable, or you cannot induce them to grow it in large quantities. They will, I think, stick to their profession, but they will consider what will bring in more money. Others say, if you allow this exportation, all the rice will be taken away from the country, and it will be reduced to extreme poverty; I am sorry I cannot accept that principle. Of course, there are rich countries in the world which can afford to pay higher prices, but at the same time,

it will give impetus to grow more rice. Cultivators will get the required money by selling a much lesser quantity if there be a number of *mahajans;* if there be a large number of buyers, there will be competition at the time of sale; in that case, there will be more *mahajans* than at present who can afford to offer higher prices. So, at the time of purchase and sale, there will be competition among a large number of people which will regulate prices and maintain a balance. It has been stated by some of my friends, that when high prices prevail, the cultivators may sell all their stock. I do not think that is correct. They must subsist before they become rich or spend anything on luxuries. They must keep a certain quantity for their own consumption, but at present, when prices are low, they are obliged to sell more rice than they would otherwise do because they have to satisfy their *mahajans* and landlords' demands. What do they do at present? When the *mahajans* and landlords come for their dues, they are forced to sell a large quantity of paddy for raising the necessary funds to meet their demands. When they find the quantity growing less they have to go to these *mahajans* and landlords and purchase paddy for their own use and have to pay interest on this for a short period; by this means they are induced to sell a large quantity of their stock at the beginning of the season. On the contrary, if lesser quantity of higher value will give them sufficient to meet the demands of the *mahajans* and landlords, a larger quantity of rice will be stored away by them; and in May, June, and July, the hardest time of the year, there will be lesser number of buyers on the market; the *mahajans*, who are making large profits by taking advantage of these circumstances, will not be able to make so much profit. At that time, there will be a larger number of sellers and a smaller number of buyers and the cultivators will be able to lay aside a sufficient quantity for their own use. So, I think, it is desirable that the export of rice should be allowed, but, at the same time, it must be borne in mind that in exceptional years when there is a failure of crops, when there is real necessity for action being taken, so that people should not starve, restrictions may be laid down. So my opinion is that export should be the general principle, and restriction should be imposed in special years and in exceptional circumstances so that people may not starve. At present we are all agreed that landlords do not take much interest in the improvement of cultivation. Why should they do? The Bengal Tenancy Act lays down that their chance of getting higher rent depends on the rise in the price of staple food crops. If the landlords are very active and grow large quantities and you do not allow export, prices will fall. Do you think landlords will come forward and help in the reduction of their own rents? I do not think so. On the contrary, if you allow export of rice and if the landlords encourage their tenants and give them sufficient facilities for growing larger quantities of rice, the price will increase appreciably and there is a chance of landlords getting higher rents. Otherwise you are setting a premium on

the inaction of landlords. Why should you do that? You should give some encouragement to the landlord so that they in turn might help their tenants to grow large quantities of rice and export sufficient to foreign countries; they will get a larger amount of money, prices will be higher and they will get some return in the shape of higher rents. However philanthropic landlords may be towards their tenants, you cannot expect them to work their own ruin, you cannot expect them to bring about causes which will mean ruin to themselves and their tenants.

With these words, I support the resolution of my friend, Babu Amulya Dhone Addy.

SHAH SYED EMDADUL HAQ addressed the Council in vernacular, the English translation of which is given below:—

It is to be seen in the motion under discussion as to who will be benefited and who will lose if the export of rice is permitted, and in what way that benefit or loss will come about. The export will necessarily raise the present price of rice and rice-producers as well as landlords will share in the bargain. The landlords will have an opportunity of increasing rents and realising their dues without much difficulty. The money-lenders will get their money back with interest. The traders will get commission from abroad.

But all this points to one thing, *viz.*, carrying coal to Newcastle The Bengal of to-day is not the Bengal of old, where rice used to be sold 8 maunds a rupee about 200 years back. The zamindars had their rents settled when living was very cheap. At the time of the Permanent Settlement the income of landlords was not above 10 per cent. this I can prove from the records of my lands. The revenue they pay have not gone up, but their income has increased manifold. It will then be seen that only people who are destined to suffer are those who are already starving for their bread. Happy is that place where necessaries of life can be had easily and are within the easy access of its people. The poor officers and the labourers, who have to buy their staple food by the sweat of their brow, will die a double death and zamindars and producers will prosper at their expense. If a comparison is drawn it will be seen that the wages of the labourers and the pay of clerks have not in the least kept pace with the rise of price. I cannot say this is even at all advantageous to the producers of rice, who, when rice goes up, become reckless and sell all their produce and become as poor as their brothers. The poor have a claim on the rich and it is for the poor—and it is enjoined in our religion—that rice should not be stocked in *golas* at the expense of others. If export is permitted, rice will be stocked by traders and this will be detrimental to the country. Some speakers have said that wages of labourers and prices of cattle have gone up, but if compared with the increased prices of rice, the increase in wages and prices of cattle are insignificant and that small rise is due to the increase in the prices of rice. The rise in the price of cattle is due to another factor

Owing to rise in the price of staple food both the landlords and tenants are encroaching upon pasture lands the want of which has told heavily on the prosperity of the cattle. The decrease of cattle has a very baneful effect on the people as the price of milk, ghee, butter, etc., have gone up beyond the reach of the people. It has been said that in Bengal, which is an agricultural country, cultivators form the major portion of the population, but the fact is that many have not got lands of their own sufficient for their maintenance. The small crop they produce is exhausted very soon and then they have to depend on their manual labour as coolies and domestic servants to keep away from starvation. So these people are, really speaking, labourers and not cultivators. I am a zamindar and I know there are other zamindars and rich men here who will agree with me that in the interest of the country we should all oppose this motion though it may stand in the way of the expected profit of an influential minority. If they do so, they will only bespeak their liberal heart. With these words, I oppose the motion with all the emphasis I can command.

Maulvi SHAH ABDUR RAUF: The price of rice has gone down abnormally this year. This is surely a sign of the promised millennium in Bengal and the non-co-operators are triumphing over this fact and saying that the good old days of Shaista Khan are returning. But I may say that the price of salt, the price of cloth and the price of other necessaries of life have not come down even by an inch. The poor cultivators who form 90 per cent. of the population of Bengal and who toil day and night and produce rice and paddy for the consumption of the people of Bengal are starving although there is a bumper crop.

I would put my arguments in the following way:— Suppose for argument's sake a cultivator has 5 bighas of land, and on an average he grows 10 maunds of paddy per bigha, then his total produce would be 50 maunds, and supposing one maund fetches 2 rupees, then on 50 maunds of rice he will have an income of Rs. 100. But if prices come down to Re. 1 per maund as is the case this year, his income will be Rs. 50 for 50 maunds; thus it will be decreased by Rs. 50. The cultivator whose income last year was Rs. 100 will have an income of Rs. 50 owing to the decrease in the price of paddy. He will have to meet the demands of his landlord, the demands of his *mahajans* who, I may say, are not very merciful persons, who try their best and use their influence and power to realise the last pie from the poor cultivators and who do not budge an inch. The poor cultivators will be compelled to sell off the major portion of their produce to satisfy the demands of their landlords and *mahajans*. They will have to sell off in some cases, the last seer of rice which they have been able to produce this year in order to satisfy their creditors. And what remains for them? Absolutely nothing whatsoever.

I have not been able to be present all along in the Council and hear the arguments of those members who have opposed the motion, but from

what has fallen just now from the lips of my friend, Maulvi Shah Syed Emdadul Haq, I gather that he is a sympathiser with the clerks and labourers, but what percentage of the population of Bengal do these clerks and labourers form? They form only a very insignificant proportion. We know very well that Government gave a substantial increase to their servants, although they have not been kind enough to do the same justice unto the poor clerks as they have been pleased to do in the case of the highly-paid officers; although that increment has not been much, yet there has been something and they have nothing to complain of. But what has been done for the poor cultivators? The cultivators who last year produced jute were ruined owing to the demand being much less than the supply. The cultivators have grown paddy as much as they could this year and we hope to bring about a millennium; if jute has been grown at all, it covers only a very small area. Paddy has been cultivated on most of the lands, and the result is a bumper crop this year.

Those who are very anxious to get this millennium are not in favour of allowing the export of rice. We surely are not going to move in the interests of those persons who are anxious to get this millennium at the expense of the poor cultivators who toil day and night to provide food-grains for us.

I do not want to take much time of the Council, but would ask my friends to consider for a moment what would be the condition of the landlords and *mahajans* if you do not allow the cultivators to export their rice. You cannot bring down the price of cloth, you have not the capacity to bring down the price of salt; but you are very anxious to bring down the price of rice!

On the grounds just stated, I heartily support the resolution moved by Babu Amulya Dhone Addy.

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. Kerr): In all economic questions, there is room for considerable difference of opinion not only about principles, but also even among those who agree about principles, there is room for divergence of judgment as to the action which should be taken at any particular time. Last year, almost exactly a year ago, when this question was before the Council, I advised the Council to accept what was then the declared policy of the Government of India that the time had not come to allow the free export of rice from India to foreign countries. The Government of India decided to leave the matter over until the present harvest was reaped and until the effect of that harvest on prices and supplies in India could be accurately gauged. Now, we take up the question again a year later, and personally, I am inclined to agree with the mover of the resolution, that the time has come when at least a beginning should be made towards what the resolution aims at, namely, the resumption of the export of rice from Bengal to foreign countries. My views are based upon my experience of this question during the last

twelve months. I hope I am not unduly biassed by the fact that these existing restrictions on the export of rice give me a good deal of troublesome and unpleasant work. I do not complain of work when I feel that it is really useful and profitable, but I do object to troublesome work when I feel that it is very doubtful whether that work is for the benefit of India as a whole, and I feel pretty certain that it is nor for the benefit of Bengal at any rate.

I will now tell the Council shortly, the sort of thing that happens in connection with these restrictions. Mr. Addy, or some of his friends engaged in the rice trade, come to me and say that it is urgently necessary that they should ship a quantity of rice to Cuba or some other part of the world and that unless they are allowed to ship this rice, a valuable trade with Cuba or elsewhere will be entirely destroyed. They give me a mass of literature to read about the habits and customs of the inhabitants of Cuba, in whom I am not particularly interested (" Hear, hear "), but the point is that the inhabitants of Cuba are simply pining for Mr. Addy's particular brand of old hard table rice. After I have mastered the case to the best of my ability, I send up a recommendation to the Government of India and the Government of India take a few weeks to make up their mind on the subject. Meanwhile, Mr. Addy comes along two or three times and says that it is a very urgent matter and makes me send telegrams to the Government of India. Mr. Addy's colleagues who are engaged in the rice trade come and say " will not you send up our case too?" and so on. Finally, we get orders from the Government of India authorising the export of a certain quantity of rice subject to certain conditions which, again, give the Collector of Customs and ourselves a good deal of trouble to enforce. You may imagine that for this business, Mr. Addy is duly grateful to me. Not a bit of it! Mr. Addy comes in and tells me—as he told the Council the other day—that the sanction has come too late and that owing to the delay on the part of the Government of India in making up their mind, the people of Cuba have got their rice from Siam or somewhere like that, and so all the trouble and labour is wasted, and I do not even get any gratitude for it. But much worse than that is the fact that the rice trade in Calcutta has been in a state of ferment and excitement during the time that the matter is under consideration. Prices are fluctuating because nobody knows whether shipment is going to be allowed or not. Nobody gets any benefit out of this transaction at all except a few middlemen who take up the thing as a speculation, and may be fortunate enough to get some profit out of it. So I feel justified in saying that I am right in feeling that the work we are called upon to perform in connection with these restrictions is thoroughly unsatisfactory and unprofitable. It is, in fact, a good illustration of the unfitness of Government to run matters of this kind, especially when as in this case the matter cannot be settled by the local Government in Writers' Buildings, but has to be referred to another department in Delhi or Simla, several hundred miles away.

Another curious instance of the way in which these restrictions work in practice came to my notice only a few weeks ago. Under the orders, as they stand, the Government of India permit the export of a certain quantity of rice from some of the smaller ports in Madras to Colombo and I think the Straits Settlements, and from Karachi to the Persian Gulf ports. The idea was that those parts of India could spare the rice and that rice could be sent from there to those places outside India, where there are a number of Indian residents who want rice from India; but it seems that it is not rice from anywhere in India that suits these people; they must have Bengal rice, and the result of this is that Bengal rice is being sent to them in an indirect and rather an illegal manner. During the months of April to October last, no less than 51 thousand tons of rice were exported coast wise, that is, in coasting vessels, from Bengal ports to Madras and Karachi. In addition to this, large quantities of rice went from Bengal directly to Karachi by rail, thereby—I may mention incidentally— using up railway waggons which were very much needed for other purposes. There can be no doubt, in the opinion of those who have made enquiries into this rather curious movement of the Bengal rice trade, that the greater part of this rice has been re-shipped from the Madras ports and from Karachi to Colombo, the Straits Settlements and the Persian Gulf ports. That, of course, means a lot of extra trouble for those engaged in the trade. This state of affairs is not good for those engaged in legitimate trade either as producers or as traders. The only people who derive any profit are the shippers and the middlemen at the different places where rice is transhipped and handled and a great deal of unnecessary expense incurred. That is another instance which shows the difficulty of regulating trade by Government orders. If any part of the world wants Bengal rice, Bengal rice it will have, whatever your regulations may be. The only thing is that in consequence of the regulations they will have to pay more for the rice than they would otherwise, but the benefit of the increased price does not go to the producers and the traders of Bengal but to the intermediaries who handle the rice in its course to its destination. I mention these facts to show that as time goes on, the regulations are becoming more troublesome to work, and people are finding it easier to evade them. As I said last year, any restriction on trade is, in itself, an evil, and should only be adopted if we are fairly certain that we should thereby obviate greater evils. I suggest that the time has come when we can no longer say that of the restrictions on the export of rice from Bengal.

We have now had a good harvest for three years in succession. In 1919, it was well over eight million tons in Bengal including, of course, the autumn rice; in 1920, it was also over eight million tons, and this year the forecast is well over 8½ million tons—the best harvest of the three years. I think we may safely assume, therefore, that there is no prospect of a shortage of rice in Bengal during the coming year (" Hear,

hear"). It is true that prices—though they have fallen and are still falling—are still well above the pre-war level, but I submit that this is not due to any shortage in supply but to the fall in the value of money which has occurred all over the world since the war. Prices will not reach their pre-war level until the value of money reaches its pre-war level and the value of money will not rise until trade becomes normal, and trade will not become normal, as long as we have these restrictions in force. That is the argument in a circle though some people may think it a vicious circle. Therefore, I say that taking a broad view of the case, we should be justified, if the matter rested with us, in deciding to make at least a beginning towards the resumption of the export of rice from Bengal.

There is no particular reason to suppose that such export would have any very marked effect on the supply of rice available in this province. A good deal has been said to-night about the injustice done to Bengal, by letting her supplies go to foreign countries; but there are two points which I should like to mention in this connection. Before the war—during five years before the war—the average net export of rice from India, after allowing for the import and export of Burma rice, was only 36 thousand tons. Now, as I have mentioned during the last three years in Bengal, we have had a rice harvest well exceeding eight million tons. Surely we can spare a few thousand tons out of this for export to other countries without any injury to Bengal consumers. But the advantage of allowing free export would be that we should then stabilise prices, and let the raiyats have the full advantage of the world price of rice. I do not want to go into any theoretical arguments about the advantages of free export because theoretical arguments never appeal to anybody who has made up his mind to take another course on interested grounds, but there is another argument which ought to appeal even to those who oppose the re-opening of export from the consumers' point of view. Owing to the fact that export has been permitted in the past, there has undoubtedly been a surplus of rice in Bengal during recent years. I do not want to go into Mr Tarit Bhusan Roy's figures as to whether the production of rice in Bengal is sufficient to give every man his fill. But the history of the past shows that Bengal does produce sufficient rice to enable a certain quantity of that rice to be sent to other countries and the quantity so sent may be said to form a surplus. I say that it was very fortunate that in the year 1919, when famine prices prevailed and there was a local shortage of rice, there was a surplus on which the Government could draw by placing an embargo upon export. But if this Council or any other authority is going to decide to stop export for all time, production will adapt itself to this state of conditions. Next time when there is war or scarcity or any extraordinary event of that kind, there will be no surplus on which the country could draw, and I would suggest to those members who take the consumers' point of view that that is a fact worth consideration.

All that I have said confirms my own personal belief that it would be wise to take steps towards the abolition of restrictions if the matter rested with us; but it rests neither with us nor with this Council; it rests with the Government of India, and it is for them to decide whether any change in their policy is advisable; it is for them to decide that point after examining the evidence which they possess of all-India conditions and of the conditions in other countries which normally consume Bengal rice. We have given them the facts and figures so far as they relate to Bengal, and if, after considering what we as well as the other provinces have to say, they decide that the time has not yet come for re-opening export, we shall, of course, have to accept that decision. All we can do at the moment is to lay before the Government of India the views of this Council, and I propose to leave this question therefore to the free vote of the Council. If the Council decide in favour of the resolution and if they make a recommendation to the Government of India that the resumption of the export of rice from Bengal to foreign countries should be allowed, then that recommendation will be duly forwarded to the Government of India for their consideration.

Babu SURENDRA NATH MALLIK: May I ask the Hon'ble Member, from the facts in his possession, whether he can say there is any force in the idea that if this removal of embargo had been effected in November or December, it would have been helpful to the cultivators in securing higher prices to them, and if the embargo is removed now, it would be helpful to the middlemen? That has been the idea that is working in the minds of some of the members.

The Hon'ble Mr. KERR: That depends on the extent to which the cultivators have already parted with the crops which have been recently harvested. If they have parted with them then the grain-dealers must obviously secure the benefits from any rise of price which may come in consequence of the re-opening of export.

Babu AMULYA DHONE ADDY: First of all, I am grateful to the Hon'ble Member in charge for his having kindly accepted my suggestion. It has been said that because I am a rice merchant, I have brought in this resolution. I beg to draw the attention of the House to the fact that during the last famine it was I who, as a member of the Calcutta Corporation, moved that the export of rice be prohibited altogether, and I am grateful to the Calcutta Corporation as well as to the Government of India that my suggestion was accepted and export of rice was prohibited. Now I have come forward with the suggestion that the export of rice be resumed. What is the reason? Because I find there has been good harvest not only this year but during the last two years; because I find, as a rice merchant, that there is a good surplus of rice in Bengal; because I find that the cultivators have been suffering much and that if the Government does not allow export of rice, the rice-industry of Bengal which is even now in its infancy will be killed; because I find

that the cultivators are unable to pay their rent, purchase their clothes and other necessaries of life: and because I find that this is the proper time that the export of rice should be resumed, otherwise the cultivators will be under the painful necessity of parting with their stocks to the middlemen at very low rates.

Then I find that some of the members of this Council are opposed to it, while others are strongly in favour of the proposal. On examination, I find that it is only those members who reside in Calcutta and who are not in touch with the cultivators have opposed it, and some of them, I am really sorry to find, are connected with the jute trade, while others, who actually represent the cultivators, have supported it. Reference has been made to the Report of the High Prices Inquiry Committee, but I find that even this Committee was in favour of exporting surplus rice. Then I would draw the attention of the House to one concrete case. The Punjabis very strongly opposed the export of wheat some time ago and the Government of India were obliged to meet their wishes by prohibiting the export of wheat to foreign countries. What was the result? The cultivators were obliged to reduce the area of cultivation of wheat as a result of which prices went up and the outturn of wheat came down. There was a scarcity of wheat, and the same Punjabis who applied to the Government of India to relieve them by stopping the export of wheat, again applied to that Government to import wheat, and the Government of India have been obliged to import wheat from Australia in order to give adequate relief to them. I am afraid that if this suggestion is not accepted by the Council, the same state of things will happen in Bengal. The area of cultivation of paddy will come down and the result will be disastrous.

I entirely agree with some of my friends in this Council that there should be some restriction on the export of rice and that is the reason why I have from time to time suggested that the rate of duty on export, not only of rice but of other food-grains should be reasonable. But that is a different question. The question is whether the export of rice should be allowed or not. Some of my friends appeared to be under the impression that if we allow the export of rice now, the quantity of export will be very heavy, but I beg to submit that there are financial difficulties which stand in the way of heavy export at the present time, owing to the depreciation in the price of foreign coins.

Then, Sir, I feel not only for the cultivators of Bengal but also for the Indian population residing in foreign countries. Look at Ceylon. Half the population depends entirely on Indian rice, and it will be a cruelty to them if we prohibit the export of rice. That is also the case with Mauritius, Natal and the West Indies. (A voice: They take Burma rice.)

Babu AMULYA DHONE ADDY: But they are not habituated to Burma rice. That was the reason why, notwithstanding the restriction, 20,000 tons of Bengal rice was exported to Persian Gulf port through

Karachi and a heavy quantity of Bengal rice to Ceylon and other countries through Madras. In normal times not more than 2 per cent. is usually exported from Bengal and so we need not be afraid, if this suggestion is accepted by Government, that the export will be very heavy.

With these few remarks, I appeal to those who have the interest at heart of the cultivators, and other persons connected with the cultivation of rice, who form 90 per cent. of the population, to support my resolution.

The motion was then put and a division taken with the following result:—

AYES.

Addy, Babu Amulya Dhone.
Ahmed, Khan Bahadur, Maulvi Emaiuddin.
Ahmed, Khan Bahadur, Maulvi Wasimuddin.
Ahmed, Maulvi Azaharuddin.
Azam, Khan Bahadur Khwaja Mohamed.
Barton, Mr. H.
Beadel, Mr. C. F.
Biss, Mr. E. E.
Bompas, Mr. C. H.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, the Hon'ble the Nawab Saiyid Nawab Ali, Khan Bahadur.
Das, Babu Bhismadev.
Faroqui, Mr. K. G. M.
Gorden, Mr. A. D.
Huq, Maulvi Ekramul.
Hussain, Maulvi Muhammad Madassur.
James, Mr. R. H. L. Langford.
Karim, Maulvi Abdul.
Karim, Maulvi Fazlul.
Khan, Maulvi Hamid-ud-din.
Khan, Maulvi Md. Rafique Uddin.
Lang, Mr. J.
Law, Raja Reshee Case.
Mitra, Rai Bahadur Mahendra Chandra.
Mukhopadhya, Babu Sarat Chandra.
Mullick, Babu Nirode Behary.
Rae, Mr. W. R.
Rauf, Maulvi Shah Abdur.
Ray, Kumar Shib Shekhareswar.
Roy, Mr. Bijoy Prosad Singh.
Roy, Rai Bahadur Lalit Mohan Singh.
Roy, Raja Manilol Singh.
Sarkar, Babu Jogesh Chandra.
Stark, Mr. H. A.
Suhrawardy, Dr. A.

NOES.

Ahmed, Maulvi Rafi Uddin.
Ahmed, Munshi Jafar.
Aley, Mr. S. Mahboob.
Ali, Munshi Amir.
Ali, Munshi Ayub.
Arhamuddin, Maulvi Khandakar.
Banerjea, the Hon'ble Sir Surendra Nath.
Bhattacharji, Babu Hem Chandra.
Bose, Mr. S. M.
Charmakar, Babu Rasik Chandra.
Chaudhuri, Babu Kishori Mohan.
Chaudhuri, Maulvi Shah Muhammad.
Das Gupta, Rai Bahadur Nibaran Chandra.
De, Babu Fanindralal.
Dutta, Babu Indu Bhushan.
Forrester, Mr. J. Campbell.
Ghose, Mr. D. C.
Haq, Shah Syed Emdadul.
Khaitan, Babu Devi Prosad.
Khan Chaudhuri, Khan Bahadur Maulvi Muhammad Ershad Ali.
Larmour, Mr. F. A.
Makramali, Munshi.
Mallik, Babu Surendra Nath.
Moitra, Dr. Jatindra Nath.
Nakey, Mirza Muhammad Ali.
Nasker, Babu Hem Chandra.
Pahlowan, Maulvi Md. Abdul Jubbar.
Pal, Rai Bahadur Radha Charan.
Rahim, the Hon'ble Sir Abd-ur-.
Ray, Rai Bahadur Upendra Lal.
Roy, Babu Jogendra Krishna.
Roy, Mr. Tarit Bhusan.
Roy Chaudhuri, Babu Sailaja Nath.
Salam, Khan Bahadur Abdus.
Suhrawardy, Dr. Hassan.

The DEPUTY-PRESIDENT: The Ayes are 35 and the Noes are 35. In a case like this, I think it is the duty of the Chair to give his vote in such a manner as to leave the question *in status quo*. I, therefore, give my vote with the Noes. It is open to Babu Amulya Dhone Addy to bring forward his resolution for the decision of the Council at a subsequent session.

The motion was then lost.

The DEPUTY-PRESIDENT: The following resolution standing in the name of Babu Sarat Chandra Janah fails as we have disposed of that resolution in another way:—

New subdivision at Jhargram, Midnapore.

"This Council recommends to the Government that the scheme of opening a new subdivision at Jhargram in the district of Midnapore be abandoned."

Construction of the Ishurdi-Sadhuganj Railway line.

Khan Bahadur Maulvi WASIMUDDIN AHMED: The resolution which stands in my name is this:—"This Council recommends to the Government that the Government of India in the Railway Board be moved to take up the construction of the Ishurdi-Sadhuganj Railway line without delay."

On the 30th December, 1912, Messrs. Martin & Co. of Calcutta proposed to the Pabna District Board to construct a Light Railway line from Sara to Sadhuganj steamer station on the Jumna, *viâ* Bera and Pabna, a distance of some 46 miles and inquired of the Board if it would guarantee a profit of 4 per cent. on the outlay of the Company. The Board at its meeting held on the 10th February, 1913, approved the scheme. The Company made a reconnaissance survey of the proposed line and thought this line would be financially successful and also it would be of great benefit to the district from all points of view. They forwarded a copy of the report to the Board with a proposal to form a company to take up the construction of the line, if the District Board would guarantee 4 per cent. profit on the outlay of Rs. 19 lakhs required for this line.

The matter was put up before the meeting of the Board held on 7th April, 1913, and the members thought it most desirable to have the railway line constructed as it would remove the difficulties of communications of the headquarters of the district both with the interior as well as the outside world.

On the average the population in the area was 660 to the square mile and the passenger traffic alone to and from Pabna would be considerable. The return on the capital of Rs. 19 lakhs was estimated over 5½ per cent. and so it was unlikely that the Board would be called on to pay anything of the guarantee. The terms offered by the Company to the Board were considered fair. Hence the District Board of Pabna, subject to the sanction of the Government at a special meeting held on 1st September, 1913, entered into agreement with Messrs. Martin & Co. as promoters

for the construction of a Light Railway on the 2′ 6″ gauge from Ishurdi to Sadhuganj under the provisions of the Bengal Tramways Act.

But as no railway can be constructed in India without the sanction of the Government of India, so, Messrs. Martin & Co. on the 1st October, 1913, in their letter No. 24118 applied to the Local Government for necessary sanction. The Local Government forwarded this application to the Government of India. The Railway Board consulted the views of the Agent, Eastern Bengal Railway, and the authorities ofthe Sara-Serajganj Railway on these proposals. After considering the views put forward by the Agent and the authorities of the Sara-Serajganj Railway, the Railway Board (in letter No. $\frac{2823}{1073}$ R. P., dated Simla, the 14th January, 1914, to the Secretary to the Government of Bengal, Railway Department) were of opinion that the area which would be traversed by this Light Railway might with greater advantage be opened up by a branch on the 5′ 6″ gauge connecting with the Sara-Serajganj railway. The Railway Board moreover understood that the Sara-Serajganj Railway Company would be prepared to finance the construction of such a line as an extension of the Sara-Serajganj railway. The Railway Board proposed, if His Excellency the Governor in Council had no objection, to issue instruction for an investigation of the best alignment for such a 5′ 6″ gauge railway to be undertaken during the working season of 1914-15. The Government of Bengal, in No. 168 R., dated Calcutta, the 27th January, 1914, agreed to the above proposal of the Railway Board and informed Messrs. Martin & Co. that the matter of railway extension in the Pabna District was under the consideration of the Railway Board and pending a final decision, it would be unwise for them to proceed with the survey for the Light Railway on a 2′ 6″ gauge proposed by them.

How this project was knocked on the head will appear from demi-official letter which Mr. S. O. Heinemann, Engineer to Messrs. Martin & Co., wrote to Mr. T. Emerson, the then Chairman of the District Board, on 14th November 1913. Let me quote from that letter:—

> Colonel Browne is rather rabid on the point of change of gauge and would rather have no line at all than one that is not broad gauge. If the 2′ 6″ gauge line is knocked on the head, there is no chance of Pabna getting a line at all for years, as the Eastern Bengal Railway have no funds to spare on short branches and in the present state of the market, it would be impossible to float a company of about Rs. 50 lakhs that would be required for a broad gauge, even if a broad gauge would pay, which is doubtful. As things stand, it appears that unless you can get 2′ 6″ gauge line, the district will get none. It is well known that the Eastern Bengal Railway cannot supply enough waggons for their own trade inrushes, so it is not likely that they will spare stock to run up a branch except when it suits them. The passenger stock on their branch lines is disgusting and that is all that they would put on, so the passengers would not get any benefit by the line being broad gauge.

The proposal being opposed by the authorities of the Eastern Bengal Railway and the promoters of the Sara-Serajganj Railway, was knocked on the head. Messrs. Martin & Co. in their letter to the District Board

did not consider the objection of the Railway Board sound and observed "it is possible that when there is change in the Eastern Bengal Railway administration, the opposition will be removed," which unfortunately for us, did not come.

During these negotiations, the Railway Location and Construction Co., which had been formed at Calcutta with the object of investigating railway branch line projects, on the 6th January, 1913, wrote to the Chairman of the District Board of Pabna, with the financial support of Messrs. Ewing & Co. of Calcutta, proposing to undertake the Sara-Pabna-Bera Light Railway which, in their opinion, offered excellent prospects. On the 12th January, 1913, this Company communicated this matter to the Commissioner of the Rajshahi Division. They proposed to limit the liability of the District Board to 4 per cent. for a period of ten years on the capital which was estimated at Rs. 17½ lakhs, if the proposed railway should happen to be worked at a loss. They also proposed to divide equally all profits in excess of 4 per cent. But a provisional agreement having already been signed with Messrs. Martin & Co. for the construction of a Light Railway from Ishurdi to Sadhuganj, *viâ* Pabna, and there being no way for the Board to get out of it, this proposal did not proceed further.

The Railway Board issued orders and instructions to the Agent, Eastern Bengal Railway, in their letter No. 232—650R.C., dated the 20th February, 1914, and No. 1262—2517, dated the 2nd July, 1914, for the survey of this line on 5′ 6″ gauge. According to the Agent's No. 1160C., dated the 11th July, 1914, Mr. W. C. Stanton was appointed Engineer-in-Chief of this line. The alignment made by him passed further south of the alignment made in 1910 and passed closer to Pabna and was far more suitable to the conditions required for tapping as much traffic as possible. The total length of the line was 46·3 miles. There was nothing throughout the length which would create any difficulty from an engineering point of view. Mr. Stanton estimated the time for the construction of this line at 30 months and considered that this would, from the first, be a very paying branch to the Eastern Bengal Railway, and that in the course of a few years, it should pay a good return from the earnings over its own length. He considered it a line which should be taken up at once.

In 1914-15, the total cost of the line was estimated at Rs. 54,15,918, the rate per mile being Rs. 1,16,974.

Unfortunately for us, the great European war broke out in August, 1914, and hence the proposal had to be dropped. Nothing has been done during these years towards the fruition of this project for which survey was made by the Railway Board during the working season of 1914-15. This matter was repeatedly brought to the notice of the Governments of India and of Bengal and Their Excellencies the Governors during their visits to Pabna, but have been of no avail. On the 24th February, 1920,

representation was made to the Railway Board, but the reply received om its Secretary (in No. 67P.—17, dated the 17th March, 1920) was ıgue and unsatisfactory, as it was stated that the matter would not be st sight of. The Hon'ble Messrs. Surendra Nath Banerjea (now r Surendra Nath), Kamini Kumar Chanda, Choudhuri Muhammad mail, and Maharaja Sir Manindra Chandra Nandi of Kassimbazar put veral interpellations in the meeting of the Indian Legislative Council ld on the 3rd April, 1920, urging on the Government to take up the conruction of this line at an early date. But the Hon'ble Sir Arthur nderson, the then President of the Railway Board, on behalf of the overnment of India, replied that "Government are not in a position say at present when the Ishurdi-Sadhuganj railway project will be oceeded with." In June, 1920, the Pabna District Conference presidl over by Sir Asutosh Chaudhuri passed a resolution urging on the overnment to take up the construction of this line without any further lay. This resolution of the District Conference shared the same fate te our previous attempts to have this line constructed.

Requested by the people of Pabna, I sent a notice of a resolution in ıgust last, recommending to the Government to urge on the Railway oard the necessity of taking up the construction of the Ishurdi-Sadhunj railway line without delay. I was informed by Mr. Hutchison, e then Secretary to the Council (in his demi-official No. 2196L., dated e 3rd January, 1921), as follows:—

A communication has been received from the Government of India, Railway partment, Railway Board, to the effect that the Railway Board are still in favour the Ishurdi-Pabna-Sadhuganj Railway being constructed on the 5′ 6″ guage. The ilway Board, however, points out that owing to the prevailing scarcity of fund l the abnormal cost of labour and materials, it will not be possible for Governnt to undertake the construction of this line for some time to come.

The Railway Board are therefore agreeable to the Pabna District Board proceedwith the project for a 2′ 6″ gauge line between Ishurdi and Sadhuganj provided t the railway is built with a view to ultimate conversion to the 5′ 6″ gauge line, ., the alignment should be for a 5′ 6″ gauge line and all bridge abutments and rs made for the 5′ 6″ gauge. Lands should be taken up for the same gauge, rider berm being left between the toe of the slope and bank and the edge of the row pit, so that extra width (3′ of bank of each side) can be excavated later on widening the borrow pits on the side nearer to the railway.

This was the copy of a letter (No. 67P.—17, dated the 19th July?), om the Railway Board to the Government of Bengal. The Local overnment in No. 909R., dated the 1st August, 1921, communicated the ove decision of the Railway Board to the Commissioner of the Rajsha-Division by whom it was communicated to the District Board of Pabna.

The District Board on the 20th August, 1921, forwarded copies of above letter to Messrs. Martin & Co., Messrs. Gillanders, Arbuthnot & . and Messrs. McLeod & Co., Calcutta, to be informed whether they re prepared to open a narrow gauge (2′ 6″) Light Railway tween Ishurdi and Sadhuganj *viâ* Pabna, as suggested in the Railway

Board's letter. They were also requested to state whether they were willing to undertake the construction of this line on the 5′ 6″ guage. Messrs. Gillanders, Arbuthnot & Co. thought that the proposed railway should be built to 5′ 6″ gauge and were prepared to undertake the construction of the line on this gauge subject to teners satisfactory to them being arranged with the Railway Board. Messrs. Martin & Co. wrote as follows:—

The financial position to-day is, however, as your Board must be aware, very different from that of 1913. In pre-war days, we undertook the flotation and construction of a Light Railway, the District Board concerned guaranteeing a 4 per cent. per annum return on capital employed and participating equally with the Railway Company in surplus profits over 4 per cent. To-day to be equally attractive to investors the guarantee would have to be 7 per cent. and the division of surplus profits of over 7 per cent.

Messrs. McLeod & Co. wrote as follows:—

Under present financial conditions, the Government subsidy of 3½ per cent with Local Government subsidy of 1 per cent. only is not adequate We shall be glad to be informed if the District Board would be prepared to guarantee 7 per cent on the capital expenditure.

On the 17th November, 1921, the Railway Board, in reply to Messrs. Gillanders, Arbuthnot & Co. informed them that the Board were prepared to consider the question of the construction of this line on the 5′ 6″ gauge, provided suitable terms could be arrived at as to the conditions for raising the necessary capital, and asked them to submit, for the consideration and orders of the Railway Board, an application for concession in respect of the line, showing exactly the extent of the financial assistance required. On the 17th November, 1921, a copy of this letter was forwarded to the Secretary to the Government of Bengal, Public Works Department, Railway Branch, and to the Agent, Eastern Bengal Railway.

The question of guarantee of 7 per cent. by the District Board of Pabna was considered at a special meeting of the Board convened on the 8th November, 1921, for the purpose and the Board were of opinion that they would not be in a position to advance a large amount for the purpose. Hence this proposal has not proceeded any further as yet.

It will be seen from the above that owing to the opposition of the authorities of the Eastern Bengal Railway and the promoters of the Sara-Serajganj Railway line, the Light Railway schemes of Messrs. Martin & Co. and of Railway Location and Construction Co. had to be given up. Had the sanction been given by the Railway Board to the proposal of Messrs. Martin & Co. we would have got a Light Railway (2′ 6″ gauge line) in 1914. The Government of Bengal concurred with the decision of the Railway Board, and the result is that we have not as yet got this line. The gloomy forebodings in Mr. Heinemann's letter turned out to be too true. Owing to the non-construction of this line, internal communications of Pabna town with other parts of the district

and as well as with outside world are still as defective as before. Since the opening of the Sara-Serajganj railway line, the Hardinge Bridge at Paksey and the railway station at Ishurdi, this line has become an imperative necessity for the development of the Pabna district, improvement of its trade and internal communications. The Government of Bengal, by concurring with the decision of the Railway Board in 1914, is to a certain extent responsible for our not getting the Light Railway of Messrs. Martin & Co. It is impossible for a poor District Board like Pabna, with an income of about 2·64 lakhs, to give a guarantee of 7 per cent. to the Companies for the construction of this line on 5′ 6″ gauge. Unless our cause is strongly backed up by this Government, we have absolutely no chance of this important line being taken up. This line has become overdue and is one of the long-felt wants of the people of Pabna District. I hope the members of this Council will unanimously support me in this matter and the Government will be pleased to accept my resolution and strongly recommend to the Railway Board to take up the construction of this line without any further delay and thus help to redress a crying want to the people of the district of Pabna.

MINISTER in charge of DEPARTMENT of AGRICULTURE and INDUSTRIES (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur): In the circumstances which have been fully explained by Khan Bahadur Maulvi Wasimuddin Ahmed, it would appear that the project must continue to be borne on the list of projects to be financed by the Government of India when funds become available.

In the statement of projected lines of railways in this Presidency, arranged in order of urgency and importance, recommended to the Government of India for inclusion in the construction programme for 1922-23, this project has been assigned ninth place.

From the history of the project it will be observed that the construction of this branch line depends on when the financial arrangements of the Government of India will admit of funds being made available.

While the Government of Bengal would be glad to see this line constructed at an early date, there are other railway projects in the Presidency which, in their opinion, should continue to have preference, in point of time, over this project.

If, therefore, the mover will agree to a modification of the terms of the resolution, *viz.*, that the Railway Board be moved to take up construction of this line " at an early date " instead of " without delay," I am prepared, on behalf of Government, to accept a resolution to that effect.

Khan Bahadur Maulvi WASIMUDDIN AHMED: I accept the amendment.

The motion was then put in the following amended form and agreed to:—

"This Council recommends to the Government that the Government of India in the Railway Board be moved to take up the construction of the Ishurdi-Sadhuganj Railway line at an early date."

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Adjournment.

The Council was then adjourned to Tuesday, the 7th February, 1922, at 3 P.M., at the Town Hall, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE Council met in the Council Chamber in the Town Hall, Calcutta, on Tuesday, the 7th February, 1922, at 3 P.M.

Present:

The Deputy-President in the Chair, the Hon'ble the four Members of the Executive Council, two Hon'ble Ministers (the Hon'ble the Nawab Saiyid Nawab Ali Chaudhuri, Khan Bahadur, being absent), and 90 nominated and elected members.

Starred question

(to which oral answer was given).

Deputy Inspectors-General of Police.

*XV. **Rai NIBARAN CHANDRA DAS GUPTA Bahadur:** Will the Hon'ble the Member in charge of the Appointment Department be pleased to lay on the table a statement of the costs involved in salaries, etc., of the Deputy Inspectors-General of Police, with their establishments, since the creation of the posts and the ranges, for their work?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Henry Wheeler): The information desired cannot be furnished without an expenditure of time and labour which would be incommensurate with the value of the information.

Unstarred Questions

(answers to which were laid on the table).

Babu Pasupati Basu, fourth sub-judge of Dacca.

121. SHAH SYED EMDADUL HAQ: (*a*) With reference to the answer given to unstarred question No. 33 (*f*) asked at the meeting of the Council on the 21st November, 1921, will the Hon'ble the Member in charge of the Judicial Department be pleased to state what steps, if any, have been taken to punish Babu Pasupati Basu, late munsif of Pabna and at present officiating sub-judge of Dacca, in compelling Abbas Pramanik to rub his nose against the wall of his court room while at Pabna, which the Government consider as undignified?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble the Member be pleased to state the reason for not taking any steps in the matter?

(*c*) Is the Hon'ble the Member aware that the said Abbas Pramanik was not a witness, as has been stated in the question, but an outsider who came to court on some other business?

(*d*) Do the Government propose to take steps against the recurrence of such conduct in future on the part of its officers?

(*e*) Is the Government aware that Babu Pasupati Basu, while acting as a subordinate judge at Pabna, sat one day, *i.e.*, on the 30th September, 1920, in the afternoon and continued his court throughout the night in spite of objections by pleaders and parties and passed judgments in the cases (Nos. 207, 208, 234 and 639 title of 1920) he tried that night on the next morning when he rose and did not sit till late hours in the afternoon next day?

(*f*) Will the Government be pleased to lay on the table the report of Mr. K. N. Chowdhury, the then District Judge of Pabna, as also the explanation of Babu Pasupati Basu with reference to the summary method adopted by the latter in the case of Abbas Pramanik?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Abd-ur-Rahim): (*a*) and (*b*) The Council has already been informed of the action taken by Government in respect of this occurrence which took place over two years ago in my reply to which the member refers.

(*c*) The answer is in the negative.

(*d*) Government will naturally inquire into reasonable complaints made against its officers.

(*e*) The question refers to a matter over two years old now. The munsif appears to have sat through the night till 6 A.M. and then again in the following afternoon. The reason for this cannot be now given after this length of time.

(*f*) No.

Excavation of tanks in rural areas.

122. Rai MAHENDRA CHANDRA MITRA Bahadur: Having regard to Dr. Bentley's suggestion for the excavation of large tanks in rural areas both for drinking and irrigation, will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state the number of such tanks excavated by district boards or zamindars in each district of Bengal during the last year and the year before that?

MINISTER in charge of DEPARTMENT of LOCAL SELF-GOVERNMENT (the Hon'ble Sir Surendra Nath Banerjea): The Director of Public Health has submitted no formal proposals to Government for the excavation of large tanks in rural areas both for irrigation and potable purposes. Generally speaking, tanks constructed merely for potable purposes could not be easily used for irrigation.

The Director of Public Health is, on the whole, of opinion that the excavation of tanks for irrigation purposes is of more importance than their excavation for potable purposes, but so far as Government are aware, district boards have not hitherto excavated tanks for the former purpose.

It would not be possible to obtain accurate information regarding tanks excavated privately, and Government are of opinion that the labour of collecting information from district boards regarding their own activities in this direction would hardly be justified. The information given in the statement below has been compiled from district board reports.

Statement referred to in the reply to unstarred question No. 122.

District Boards.	1919-20.		1920-21	
	Tanks in course of excavation at the end of the year.	Tanks completed during the year.	Tanks in course of excavation at the end of the year.	Tanks completed during the year.
Burdwan ...	5	4	5	1
Birbhum ...	...	1	...	...
Bankura ...	...	...	...	...
Midnapore ...	20	1	14	10
Hooghly* ...	...	...	...	...
Howrah* ...	...	...	...	6
24-Parganas ...	18	21	28	9
Nadia ...	...	...	...	...
Murshidabad ...	...	...	11	7
Jessore ...	...	17	...	...
Khulna ...	9	7	17	6
Dacca ...	7	5	3	7
Mymensingh ...	...	1	...	1
Faridpur ...	...	30	...	16
Bakarganj ...	8	...	12	...
Chittagong* ...	...	...	...	...
Tippera ...	...	9	...	...
Noakhali ...	...	2	...	...

* Tanks re-excavated but their number not reported.

NOTE.—The reports do not contain any information regarding Rajshahi, Dinajpur, Jalpaiguri, Bogra, Pabna and Malda.

Elective system in the Bhatpara Municipality.

123. Babu HEM CHANDRA NASKER: (*a*) Will the Hon'ble the Minister in charge of the Department of Local Self-Government be pleased to state why the voters of Bhatpara Municipality do not enjoy the right of electing their representatives to the municipality?

(*b*) Are the Government considering the desirability of introducing the system of election in the said municipality? If so, from when?

(*c*) Is the Hon'ble the Minister aware that the present Vice-Chairman of the municipality is working in that capacity for the last 20 years, being always re-nominated by Government?

(*d*) Is the present Vice-Chairman a resident and a qualified voter of the said municipality?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) The municipality is in Schedule I and section 15 of the Bengal Municipal Act relating to elections, voters, etc., does not apply. By "voters" the member presumably refers to the ratepayers of the municipality.

The position is that there has been no demand for the introduction of the elective system, and the local conditions are such that the few residents who are qualified to be voters would not be representative of local interests. A copy of the resolution passed by the Municipal Commissioners on the 4th October, 1921, is laid on the table.

(*b*) The Minister held a conference with certain representatives from Bhatpara on the 12th December, 1921. It was decided that for the present it was not desirable to introduce the elective system, but that the local People's Association would be invited to submit names for appointment by Government for the consideration of the Minister.

(*c*) The present Vice-Chairman, Rai Shyma Charan Bhattacharya Bahadur, has held that office for many years, the exact number is not known.

(*d*) He is not a resident of the municipality, and the question whether he is a qualified voter of the municipality does not arise in view of what is stated in paragraph 1 of the answer to clause (*a*) above.

Extract, paragraph 8, of the proceedings of the meeting of the Commissioners of the Bhatpara Municipality held on Tuesday, the 4th October, 1921, referred to in the reply to clause (a) of unstarred question No. 123.

Laid before the meeting letter No. 519 T.—L.S.-G., dated the 16th September, 1921, from the Secretary to the Government of Bengal, to the Commissioner of the Presidency Division, with the forwarding memorandum, No. M.287-17-21, dated the 28th September, 1921, on the extension of the elective system within the municipality.

The Board, while in sympathy with the elective system, was wholly of the opinion that the time had not yet come when this could be successfully introduced into this municipality, excepting north Bhatpara and Mulajore, representing a population of about 9,500 out of 65,666. The greater portion is entirely mill area and, with the exception of the shopkeepers and bariwallas, composed of a shifting population drawn mostly from Bihar and Orissa. All the improvements which the inhabitants of the municipality enjoy and other big schemes contemplated are due to the mills. It was therefore resolved that the Government be informed that the Municipal Commissioners, after careful consideration of the subject, did not recommend any change in the formation of the Board.

Destruction of crops in certain villages in Manikganj by annual floods.

124. Babu JOGENDRA NATH ROY: (*a*) Is the Hon'ble the Member in charge of the Department of Irrigation aware that crops in the villages of Baldhara, Charigram, Jamsa, Sararia, Kumulli, Alkharia, Durlabdi and Basta in the jurisdiction of thana Singair (Dacca); the villages of Kalia, Dhashar, Ahulia, Aynapur, Tilli, Beki-nail, Ulail, Silimpur, Tutian, Baraigi, Tulamda, Akashi, Kapshail, Hatkora, Andibari, Hajipore, and Kurikahonia in thana Saturia (Dacca); and the villages of Panlia (Gazaria), Joyra, Boichal, Noakhanda, Poral, Outpara, Taradona, Kaitra, Baitra and Baigha in thana Manikganj (Dacca) are annually destroyed by flood?

(*b*) If so, will the Hon'ble the Member be pleased to state what steps, if any, Government are taking to remedy this state of affairs?

(*c*) If it is proposed to take remedial measures, is the Hon'ble the Member considering the desirability of first making inquiries into the matter?

(*d*) Is the Hon'ble the Member aware of the fact that certain persons from the abovementioned villages, who have suffered very heavily, have left their houses and migrated to Assam?

MEMBER in charge of DEPARTMENT of IRRIGATION (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Out of the 35 villages referred to, there are only 15 that are liable to inundation during high flood by the spill water of the Dhaleswari, but this does not destroy the *aus* paddy, which is the principal crop grown in the locality, though jute and the sparsely grown *aman* crops are sometimes damaged when the flood happens to come in earlier than usual.

(*b*) and (*c*) No remedial measures have been taken on a large scale, but a canal was dug through the Gazoria *bil* year before last, which has improved the lands of some of the villages.

(*d*) No.

Ganga Sagar pilgrims, their embarkation and disembarkation.

125. Babu JOGENDRA NATH ROY: (*a*) Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware—

(*i*) that for the last two years, the pilgrims going to Ganga Sagar from Calcutta are being made to embark from the Surinam Depôt, about six miles away from the Indian town;

(*ii*) that prior to their embarkation, these pilgrims stay in Calcutta, the *sadhus* amongst them collecting alms from the congested Barabazar quarters;

(*iii*) that these pilgrims are allowed to disembark in Calcutta; and

(*iv*) that the said pilgrims are put to inconvenience by being compelled to go to the Surinam Depôt, where there are no adequate shed accommodation, no public conveyances, no bazar and no proper sanitary arrangements?

(*b*) Are the Government considering the desirability of taking steps so that the steamers carrying pilgrims to Ganga Sagar be allowed to leave with passengers from Calcutta as before, and that the Howrah Bridge be opened on the day of their embarkation for, say, two hours to allow them to pass?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) (*i*) Since 1919 all pilgrims desiring to visit Ganga Sagar *mêla* have embarked from near the Surinam Depôt. Formerly they used to embark from various jetties on different parts of the river front and for several days before they embarked, hundreds of *sadhus* and others used to camp out on the Strand Road and in other places not provided with suitable conveniences in the form of shelter, water-supply or latrine accommodation. The lack of necessary conveniences and the ignorance of many of these people resulted in most insanitary conditions, endangering the health of the population of the city and of persons frequenting the shipping and jetties, etc. When the pilgrims embarked from various points it was impossible to carry out efficient medical inspection, and the embarkation of persons suffering from cholera and other infectious disease could not be prevented. The results of this are reflected in the cholera mortality figures of Calcutta for the first five weeks of the years 1918 and 1919, respectively, which aggregated 326 and 359. The average number of cholera deaths in Calcutta for the same period during the two years 1920 and 1921, viz., 160, is only about half what it was for 1918 and 1919. This result is undoubtedly due in large measure to the precautions adopted in connection with the *mêla*, including the embarking of the pilgrims from one camping place and the careful medical inspection both of pilgrims and the steamers, which is possible in the present circumstances.

(*ii*) Prior to embarking many of the pilgrims no doubt stay in Calcutta in lodging houses, *serais* and other places. This cannot be prevented, but it has been minimised by the provision of the camping place at Surinam Depôt, which is frequented by many of them, including very large numbers of *sadhus* who would otherwise throng the congested thoroughfares and endanger the health of the city.

(*iii*) Pilgrims returning from Ganga Sagar are allowed to disembark at the Outram and other ghats, provided only that there is no cholera and other infectious disease among them, while any steamer with cases of infection aboard is detained at Surinam Depôt for removal of the sick. All steamers returning from the *mêla* are obliged to report their condition as regards health to the Port Health Officer before being

allowed to disembark the pilgrims. The results of the *mêlas* of 1920 and 1921 have proved the value of these measures in protecting the health both of the pilgrims themselves and of the residents of the city.

(*iv*) It is not admitted that the present arrangements involve much inconvenience to pilgrims. It is impossible to give house accommmodation to all the pilgrims, either at Surinam Depôt or in Calcutta itself, but there is considerable accommodation available and excellent arrangements for women in particular are provided. It is not a fact that proper sanitary arrangements are not made. The Kidderpore bazar, again, is within easy reach, and the Kidderpore tram service covers the greater part of the distance between the centre of Calcutta and the Surinam Depôt. A ferry service was also arranged this year to convey pilgrims from the Howrah side of the river to the depôt.

(*b*) Government are satisfied that the present arrangements in the interests of public health, both as regards Calcutta and the pilgrims themselves, are a great improvement on those which were made previously, and they are not prepared to allow steamers to embark Ganga Sagar pilgrims from the Calcutta jetties.

Ariadah Feeder Road.

126. Mr. BIJOY PROSAD SINGH ROY: (*a*) Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the condition of the Ariadah Feeder Road under the Kamarhati municipality and to the inconvenience it is causing to the traffic, and the damages suffered by some of the rich owners of garden houses, on that road?

(*b*) Is the Hon'ble the Minister aware that the authorities of the Kamarhati municipality were repeatedly approached by the people interested in the improvement of the Ariadah Feeder Road, but nothing has been done to repair it properly?

The Hon'ble Sir SURENDRA NATH BANERJEA: (*a*) Yes.

(*b*) The Chairman of the municipality reports that a portion has already been repaired and that the remainder will be repaired later.

Virulent diseases breaking out on the banks of the river Bhagirathi when at its lowest ebb.

127. Raja MANILOLL SINGH ROY: Is the Hon'ble the Minister in charge of the Department of Local Self-Government aware that when the river Bhagirathi is at its lowest ebb every year, cholera and other virulent diseases break out, affecting the people living on the banks of the river, notably at Katwa, Nabadwip, Kalna and Santipur?

The Hon'ble Sir SURENDRA NATH BANERJEA: A note submitted by the Director of Public Health on the subject is laid on the table.

Note referred to in the reply to unstarred question No. 127.

The following statement shows the aggregate deaths from cholera in towns and thanas of the Murshidabad, Nadia, Burdwan and Hooghly districts bordering upon the Bhagirathi river for each month during the quinquennial period 1916—20:—

January ...	877	May ...	1,702	September ...	335
February ...	642	June ...	505	October ...	408
March ...	2,615	July ...	468	November ...	1,246
April ...	4,338	August ...	389	December ...	1,972

It will be seen that the deaths from cholera along the Bhagirathi are generally in marked excess in the seven months November to May and relatively much reduced in the period June to October. The aggregates of monthly cholera deaths for five years in the municipalities named, viz., Santipur, Nabadwip, Kalna and Katwa, also support this view, as may be seen from the figures given below.—

Total of cholera deaths in the five years 1916—20

January ...	42	May ...	34	September ...	8
February ...	39	June ...	32	October ...	16
March ...	168	July ...	10	November ...	85
April ...	139	August ...	15	December ...	194

The percentage of the total cholera mortality occurring in each month for the towns and thana areas abutting on the Bhagirathi works out as follows:—

Four towns

January ...	5·4	May ...	4·0	September ...	3
February ...	5·0	June ...	4·0	October ...	1·9
March ...	21·6	July ...	1·2	November ...	10·9
April ...	17·8	August ...	1·9	December ...	24·9

Thana areas

January ...	5·6	May ...	10·9	September ...	2·1
February ...	4·1	June ...	3·2	October ...	2·6
March ...	16·8	July ...	3·0	November ...	8·0
April ...	27·9	August ...	2·5	December ...	12·7

An examination of the river levels shows that the Bhagirathi begins to rise in May and falls in October, reaching its lowest level about March and April. It will thus be seen that the views of the questioner are substantially correct. An interesting and very important fact has been brought to light while preparing these figures, viz., that, generally speaking, cholera travels upstream against and not with the current.

The question will serve a very useful purpose by calling attention to the fact that cholera prevalence reaches its minimum during the wet season, viz., the period June to October.

It would thus appear that conditions are then most unfavourable to the spread of the disease, and that by the adoption of timely measures against the infection not later than September, virulent epidemics can be prevented. The Director of Public Health claims that the success which has attended preventive measures in Howrah and Mymensingh districts, even in the most adverse circumstances, proves conclusively that in any part of the province cholera can be brought speedily within control, by district health officers aided by a small staff and at a very small expense.

Communications in the Khulna district.

128. Babu HEM CHANDRA NASKER: Has the attention of the Hon'ble the Minister in charge of the Department of Local Self-Government been drawn to the unsatisfactory condition of the means of communication in the sadar subdivision of Khulna with its outlying posts, viz., thana Terokhada to the north and thana Paikgacha to the south?

The Hon'ble Sir SURENDRA NATH BANERJEA: The District Magistrate of Khulna reports that it is a fact that communication with Terokhada and Paikgacha is difficult owing in the former case to the large *bil* area which surrounds it, and in the latter case to the numerous streams and *khals* in the locality.

There is, however, a direct daily steamer service from Khulna to Paikgacha, and from Khulna to Chagladah, a distance of six miles from Terokhada. There is also a direct steamer service from Khulna to five or six of the more important places in central and north Paikgacha, and to Gazirhat, which is a most important trade centre in Terokhada thana.

Communication with south Paikgacha is unsatisfactory owing to the fact that this area being reclaimed Sunderbans land, suffers more particularly from the difficulties detailed in the first paragraph of this report. It is, however, satisfactory to note that the district board has taken up the work of road construction in both these thanas, and though funds will not admit of a complete network of roads in areas where the normal means of communication has always been by boat, it can still be confidently anticipated that sensible improvements will be effected in the near future.

Government and temporarily settled estates in Noakhali and Tippera.

129. Maharaja KSHAUNISH CHANDRA ROY Bahadur: (*a*) Will the Hon'ble the Member in charge of the Department of Revenue (Land Revenue) be pleased to state the number of Government and temporarily-settled estates in the districts of Tippera and Noakhali, which were

brought under the settlement of land revenue during the district settlement operations of those districts?

(*b*) Will the Hon'ble the Member be pleased to lay on the table a statement showing the amount of rent-roll before such revision and after such revision, and the percentage of increase in the amount of land-revenue effected?

(*c*) Will the Hon'ble the Member be pleased to state the rate of enhancement granted under section 105 of the Bengal Tenancy Act to the landlords of permanently settled areas in those two districts?

MEMBER in charge of DEPARTMENT of REVENUE [LAND REVENUE] (the Hon'ble the Maharajadhiraja Bahadur of Burdwan): (*a*) Government estates—Tippera, 93; Noakhali, 38. Temporarily-settled estates—Tippera, 14; Noakhali, 27.

(*b*) Figures for rent-roll or assets are not readily available, and in temporarily settled estates the increase in revenue may not be proportionate to increase in assets, as part of the increase may be due to a reduction in the profits of settlement-holders. The revenue before revision of the above estate was Rs. 2,74,634 and after revision Rs. 4,12,276. The increase in revenue is 50 per cent. Of this, 21 per cent. is ascribed in the annual reports to increase of area and extension of cultivation and 29 per cent. to the enhancement of the rates for cultivated lands.

(*c*) Cases under section 105 of the Bengal Tenancy Act, disposed of in the district settlements, raised the rents of raiyats and tenure-holders by 21 per cent. Of this, 5 per cent. was ascribed to extension of cultivation and 16 per cent. to enhancement of rate.

It may be noted that whilst the cases under section 105 in permanently settled estates mainly appertain to fully developed areas in Tippera and Noakhali, the Government estates which contributed the larger part of the increase in revenue are on the southern fringe of the district of Noakhali where land has recently been reclaimed.

Cadre of Bengal Civil (Executive) Service.

130. Mr. BIJOY PROSAD SINGH ROY: (*a*) Will the Hon'ble the Member in charge of the Appointment Department be pleased to state what decision has been arrived at by the Government regarding the increase of the cadre of the Bengal Civil Service (Executive Branch) as indicated in the Government resolution No. 1646 A.—D., dated the 21st June, 1920?

(*b*) Have the Government considered the desirability of filling up such increase of cadre wholly from the ranks of the Subordinate Civil Service?

(*c*) Are the Government considering the desirability of filling up a certain percentage of the appointments, to be made to the proposed Income Tax Department, from the Subordinate Civil Service?

(*d*) Will the Hon'ble the Member be pleased to state when the selection grade for the Subordinate Civil Service will be filled up?

(*e*) Will the Hon'ble the Member be pleased to state whether the suggestions of the Subordinate Civil Service Association regarding the matter submitted to Government in the form of a resolution have been or will be taken into consideration in making such selection?

(*f*) Will the Hon'ble the Member be pleased to state the principle which will be followed in filling in the selection grade?

(*g*) Will the Hon'ble the Member be pleased to state whether promotion to the higher grade will be made from Sub-Deputy Collectors who have reached a salary of Rs. 300 or upward?

(*h*) If any such promotions are made, what will be the place of the promoted officers in the ranks of the Deputy Collectors?

(*i*) Will the Hon'ble the Member be pleased to state whether in case the future recruitment to the Bengal Civil Service is made by competitive examination it is in the contemplation of Government to safeguard the interests of the Sub-Deputy Collectors in the matter of promotion?

(*j*) Are the Government considering the desirability of allowing Sub-Deputy Collectors to sit for the examination, condoning the age-limit?

(*k*) If so, does the Hon'ble the Member consider it desirable to call for the opinion of the Subordinate Civil Service Association on the subject before a final decision is arrived at?

The Hon'ble Sir HENRY WHEELER: (*a*) The question of an increase in the cadre of the Bengal Provincial Service (Executive Branch) is still under consideration.

(*b*) This question does not at present arise.

(*c*) Officers of the Subordinate Civil Service will be eligible for appointment to the new Income Tax Department when it has been sanctioned, but it is not proposed to reserve a percentage of the appointments for that service.

(*d*) The selection grade will be filled up shortly.

(*e*) The resolution will be duly considered.

(*f*) The selection grade will be reserved for those officers who have proved themselves thoroughly efficient Sub-Deputy Magistrates and Sub-Deputy Collectors.

(*g*) and (*h*) These matters are under consideration.

(*i*) It is proposed to retain the system of filling 35 per cent. of the vacancies in the Bengal Civil Service by promotion.

(*j*) This question is under consideration.

(*k*) No.

Chair in Botany, Calcutta University.

131. Babu RISHINDRA NATH SARKAR: Will the Hon'ble the Minister in charge of the Department of Education be pleased to state—

(*i*) whether it is a fact that the present incumbent of the Chair in Botany, with special reference to Agriculture, in Calcutta University received no training in that subject in a foreign country, to which he was sent by the Calcutta University, through the Sir Rash Behary Ghosh Endownment Fund; and

(*ii*) whether it is a fact that no work on Botany, with special reference to Agriculture, is being carried on by him?

MINISTER in charge of DEPARTMENT of EDUCATION (the Hon'ble Mr. P. C. Mitter): The University has informed Government that—

(*i*) It is not true that the present incumbent of the Chair in Botany with reference to Agriculture has not received training in his subject in a foreign country. He received training in Berlin in methods of physiological investigation under Professors Haberlandt and Gutenburg, in Mycology under Professors Reinhardt and Claussen, in Plant-breeding under Professor Correns, which are the principal lines in which Botany can be applied to Agriculture. Dr. Agharkar further visited the plant-breeding institutions in Cambridge (Professor Biffen) and Merton in Surrey (Professor Bateson) as well as the Rothampstead farm during his stay in England.

(*ii*) Professor Agharkar is at present engaged in organising the teaching of Botany in the University, which is an essential preliminary to all applied work. The absence of a farm for experimental plant-breeding makes it impossible for him to carry on any experiments in this direction at present. As soon as a farm becomes available, he proposes to devote himself to this work.

131A. Babu DEVI PROSAD KHAITAN: (*a*) Will the Hon'ble the Member in charge of the Department of Commerce be pleased to say whether the Government are aware that since the 23rd January, 1922, only 20 wagons are supplied at the Sulkea Salt *golas* for carriage of salt by all the Railways to mufassal stations?

(*b*) Are the Government further aware that this is the beginning of the busiest season when at least 100 wagons are required daily to cope with the demand?

(*c*) Are the Government further aware that as a result of the recent Railway strike and the subsequent short supply of wagons arrears in delivery have accumulated to a large extent?

(*d*) Are the Government further aware that, as a result of the combined effect of the Railway strike and the subsequent short supply of wagons there has arisen a great scarcity of such an essential article as salt in the mufassal as is manifested by the recent considerable rise in price thereof at the consuming centres?

(*e*) Will the Government be pleased to—

(*i*) state the reasons for the continuance of the short supply of wagons; and

(*ii*) take immediate steps to ensure an adequate supply thereof to relieve the situation?

MEMBER in charge of DEPARTMENT of COMMERCE (the Hon'ble Mr. Kerr): (*a*) The number of wagons loaded at the Sulkea Salt *golas* from the 23rd to 31st January was as follows:—

23rd—20; 24th—20; 25th—18; 26th—18; 27th—20; 28th—46; 29th—43; 30th—40; and 31st—20.

(*b*) Yes; though 80 is the maximum number of wagons that can be handled in one day in the present condition of the *gola* siding.

(*c*) Yes.

(*d*) It has been ascertained from inquiries made in important centres in the Presidency (e.g., Calcutta, Burdwan, Birbhum, Midnapur, Rangpur, Hooghly, Bankura and Dinajpur) that the retail price of common salt has not gone up recently. In fact in Alipore, Chetla, Howrah, Serampore, the rate is slightly lower than formerly. Only Bankura has reported that the retail price has gone up since May last.

(*e*) (*i*) The reason for the continuance of short supply of wagon is that the demand for wagons throughout the country is very heavy and at the time to which the question has reference, the East Indian Railway was very short of wagons owing to other Railway failing to return empties in sufficient numbers. The Director of Wagon Interchange has asked other Railways to return empties to the East Indian Railway with the utmost expedition and the position is now said to be somewhat easier.

(*ii*) The East Indian Railway states that it has taken all possible steps to obtain more wagons, and if the return of empties continues to be satisfactory the traffic at the salt *golas* will be cleared.

The DEPUTY-PRESIDENT (Babu Surendra Nath Ray): A supplementary ballot for fresh resolutions of which notice has been received, will be held in the committee room on the 13th instant. These fresh resolutions will be placed at the bottom of the present list. The resolutions already balloted for, will maintain their present position till the end of the session, that is, till the end of March.

Resolutions

(under the rules for the discussion of matters of general public interest).

Salary of members of the Bengal Civil Service.

Maulvi RAFI UDDIN AHMED: I move "that this Council recommends to the Government that the salary of the members of the Bengal Civil Service, Executive Branch, who had not to undergo any probationary period, be so calculated as to exclude the two years' probationary period in the scale of reorganisation, so that they may be considered to have been entitled to get Rs. 300 per month from the date of their confirmation irrespective of the length of actual service rendered in the service before the date of such confirmation."

At the very outset, I beg to state, for the information of the members of this Council, that I do not hold any brief for any of the district or deputy magistrates for moving this resolution. This resolution requires a little explanation. Some of my friends in this Council think that by my moving this resolution, Government will be required to spend more for the pay of deputy magistrates and sub-deputy magistrates in some cases, but I think otherwise. The resolution covers three classes of cases—(1) direct recruitment from other departments to the then lowest grade of Rs. 200 per month, (2) direct recruitment to the grade of Rs. 200 or Rs. 250 per month, and (3) recruitment to the grade of Rs. 200 or Rs. 250 a month from the Subordinate Executive Service.

It is an accepted principle in all schemes of reorganisation that one higher in the existing list at the time of organisation never gets pay less than that of any one lower in the list. This principle has also been accepted by Government in the Circular letter No. 2388-2698 A.D. of the Appointment Department, issued in the name of the Chief Secretary to all Deputy Magistrates and Deputy Collectors on 10th August, 1920. In practice, however, it is found that by non-observance of the above principle, some officers, though lower in the list, have got increments in the time-scale of pay before those who are higher in the list. To avoid any charge of partiality I have taken up four concrete instances, one Hindu, one Muhammadan, one Native Christian and the other a Christian, to show how injustice has been done in the Civil List. First of all, I shall take up the case of Atul Chandra Guha, No. 64, in the Civil List for 1921. This officer has 13 years' service; he is drawing a pay of Rs. 700 a month, while the man next below him, Mr. H. L. Fell, who is No. 65, has served 19 years 6 months, and he also is drawing Rs. 700. Now I must say that according to the principle which is enunciated in the circular above mentioned, Babu Atul Chandra Guha is entitled to Rs. 700 because the man next below him also gets Rs. 700. The same principle has been violated in the case of persons who are just above Babu Atul Chandra Guha. In Nos. 50 to 63, I find Babu Narendra Kumar Sen and Babu Hari Charan

Bose and all these officers have longer service—about 16 or 17 years, but they are still drawing Rs. 650; they are longer in service and they are higher in the list than Babu Atul Chandra Guha; so this principle has not been followed in the case of these 13 persons.

Then I take up the case of Maulvi Akram-uz-Zaman Khan, No. 136. Here also I find that in the case of 135 and 136, they have been serving for 15 and 14 years, and they get Rs. 600, where the men above them are drawing Rs. 550. Then take the case of Mr. A. G. Allison, No. 164. Here you find this gentleman drawing Rs. 600, whereas the men above him are drawing Rs. 500. Therefore, I find there is discontent among these officers, because they are higher in the list, but are drawing less pay; they are even longer in service and get less pay.

The Ministerial and Menial Officers' Salaries Committee's recommendation is that one higher in the list should not get less pay than one lower in the list. In some cases one of the two conditions of confirmation, as laid down in the Government resolution No. 3281 A., dated 14th April, 1920, namely, passing of departmental examination, has been waived, and some officers, though they failed to pass the departmental examination, still they have been given higher pay, while those who are longer in the service are not given higher pay. Equity demands that the other condition of two years' service should be waived in cases where actual confirmation took place earlier, and officers by their meritorious work and good service have already been placed above and were enjoying a higher position for several years. An officer whose promotion was accelerated for good work should draw on the time-scale the same pay which the officer next below him draws. It might be said in reply that officers who had lost promotion or place should not have ordinarily got the pay they are getting and have been shown a favour which does not apply in the case of the officers covered by the resolution. But when Government in their graciousness forgot all past disabilities and bad work, it is very hard if they decide to forget all past distinctions and good work of officers who had the good fortune to be specially considered in the past but have been sunk into oblivion now.

The effect of the present arrangement would be that lots of officers, who were junior in the list before, would become senior to these adversely affected for no fault of theirs. This would seriously hamper their future prospects in getting special appointments, such as subdivisional charges; appointments to the selction grade and listed posts. Even if the present Government declare that this would not happen, that would not bind down later Governments, and naturally they would first consider the claims of officers of higher pay for these appointments. It has already been widely rumoured, with what truth I cannot say, that promotion to selection grade and listed appointments will be made from amongst officers drawing Rs. 700 per month. Taking a

concrete instance, No. 169 in the list would get Rs. 700 within about 3 years, when No. 128 would be getting about Rs. 550. But in spite of a difference of 41 places, the former will have the earlier chance of being considered for a selection grade or a listed post. This is hardly fair.

Reorganisation is meant to ameliorate the conditions of all. It should not be so effected as to seriously hamper the future prospects of several deserving officers. There is hardly any doubt that this state of things would produce serious discontent amongst officers who, all who know will admit, bear the main burden of mufassal administration which, in recent times, have grown much more onerous than before.

It has been laid down in the letter of the Chief Secretary referred to above that the length of service in each case has been calculated from the date of entry into service, whether as a substantive or substantive *pro tempore* officer or as a probationer. It is, however, going against facts and the principle of justice and equity, to consider officers who actually worked with full powers from the beginning and had previous responsible service—though in other departments—and most of whom rendered the same nature of service in the subordinate executive service, as probationers. To consider officers confirmed as probationers and to render them liable to put in 2 years of imaginary service before allowing them pay of Rs. 300 is going against facts. The operation of the principle laid down in the letter seriously affects the career of not less than 71 members of the service, and it cannot be said that the resolution is moved in the interests of a small microscopic minority. A differentiation should have been made of "substantive," "substantive *pro tempore*," "probationary" service. These facts were fully considered for each individual officer at the time of adjusting his position in the cadre and again and again, after each officer passed his departmental test. It is an anomaly that after 7 or 8 years, all these positions should be altered and officers above and senior in the list will be allowed less pay than admittedly junior officers below them in the list.

By this arrangement a meritorious officer will suffer for no fault of his and in fact as no less than 71 officers are affected, in the interest of the whole service, this grievance should be removed as soon as possible. It is certainly possible to give every individual case due consideration and to retain the existing order of seniority. An officer below has nothing to say, where one above him is given a higher rate or even his rate of pay.

A sub-deputy magistrate of 15 years' service will be entitled to draw Rs. 350 and now if he is promoted to a deputy magistrateship he has to undergo a probationary period again and will only draw Rs. 250 to Rs. 300. In some other departments, the Police Department, the Public Works Department, these grievances have been considered; so I appeal to the Government to consider this matter seriously, and to endeavour to make its officers contented.

Nawabazada K. M. AFZAL, Khan Bahadur: I beg to accord my whole-hearted support to the resolution just moved by my colleague Mr. Rafi Uddin Ahmed, and in doing so I would observe that no greater injustice could be done than to compel these hard-worked officers of Government, who rise simply by dint of their merit from a subordinate to a higher position, to undergo a period of probation which they had already undergone. What is the object of this probationary period? The object, no doubt, is, as would everybody admit, to let these officers learn the rudiments of public administration and pass the requisite tests in the shape of departmental examinations. By the time the sub-deputy collector gets promoted to deputy collectorship, he has not only passed his departmental examinations—which by the way are the same both for deputy and sub-deputy collectors—but has acquired experience of most of the important departments of the district office. It is certainly most unjust to make such tried officers of Government to undergo a further period of probation and thereby to keep them back in the race of life. I should, therefore, think that sub-deputy collectors promoted to deputy collectorships should at once start on Rs. 300 or any higher pay which he may be drawing at the time as sub-deputy collector. And this principle should be applied to all deputy collectors promoted from sub-deputy collectorships that are now in service with retrospective effect, *i.e.*, from the 1st December, 1919. This principle has already been observed by Government in another department, namely, the Police. A police inspector promoted to deputy superintendentship is at once allowed to start from Rs. 320, although ordinarily the initial pay of a deputy superintendent of police is Rs. 200.

CHIEF SECRETARY to GOVERNMENT (Mr. H. L. Stephenson): I hope to be able to persuade the Council that this resolution is really the outcome of a misunderstanding of the present position. If I may go back a few years, up to 1899 officers were appointed to the Provincial Civil Service as officiating officers, and they had to remain as officiating or on probation for as much as 8 years before they were confirmed, and the whole of that 8 years did not count for either leave or pension. In 1899, with the sanction of the Government of India, they were allowed to count all their service for leave and pension after the first 2 years, even though they were not confirmed; they still had to wait until there was a vacancy before being confirmed, but their officiating service after the first 2 years was allowed to count for leave and pension. When they were once confirmed, at every grade there was practically an efficiency bar. Before a deputy magistrate was promoted from the eighth to the seventh or from the seventh to the sixth grade, all character reports were examined, and if they were not good enough, he was passed over. Therefore, a deputy magistrate might be kept back for a very long time; even if he was sufficiently well-reported on to be promoted, still he might have to wait for a vacancy in the grade above him for some years. This has

now been altered under the new time-scale. The orders of the Secretary of State are that the Bengal Civil Serivce will have no probationary grade; an officer is appointed now to be a member of the Bengal Civil Service at once, and the whole of his service counts for leave and pension. It is not correct to say that an officer on confirmation receives Rs. 300 and that, therefore, the first two years is only a probationary grade. The pay of the service begins on Rs. 250; an officer in his second year draws Rs. 275 but only if he has passed the lower standard examination. An officer in his third year draws Rs. 300 but only if he has passed the higher standard. There is no probationary grade. He is on probation for the first two years, that is to say his work is under approval, but he is a full member of the Service, from the very beginning. The pay does not range from Rs. 300 to Rs. 700 with a probationary grade, but it runs from Rs. 250 with a stipulation that no officer can draw more than Rs. 250 before he has passed his lower standard, and not more than Rs. 275 till he has passed the higher standard.

The second order laid down by the Secretary of State is that in bringing men on to the time-scale, we are to treat them as if that time-scale had been in effect at the time they joined the service, as if the present rules had been in force then. That being so, that does away entirely with the old rule about 2 years' service not counting for leave and pension. An officer now is entitled, whenever he was appointed, to count the whole of his service for leave and pension from the date he joined, whether he joined 19 years ago as a probationer or in an officiating appointment; it all counts. The result of this is that in assigning a place in the time-scale to an officer, we are bound to go back to the date he joined the service, and that is, I think, the reason for the various anomalies the mover has pointed out. A sub-deputy magistrate, when promoted to the Provincial Service as soon as he is confirmed, counts the whole of his service. He may have been confirmed on the same day as a nominee appointed by direct nomination or by competitive examination, but the nominee will have done 2 years' service before he was confirmed. These 2 years now count; therefore he has 2 years more service in the Bengal Civil Service than the promoted sub-deputy, and that is the reason for the anomaly that he comes on to the time-scale nearly 2 years higher than the sub-deputy officer. It is not a case of hardship on the sub-deputy, but it is a case of righting a wrong done in the past to the man who was directly appointed. In future there will be no such anomaly; all members who are appointed for service whether by promotion or by direct nomination—as I hope in future it will be by competitive examination— will come on at the same time and will come on as full members of the service from the moment they are appointed, and will go through the time-scale until they get to the efficiency bars.

The mover has referred to what we call the " next below " rule which has been applied in certain cases, and possibly this may be a reason

for some of the misunderstanding. There are certain cases where officers have been appointed to the Provincial Civil Service not at the bottom of the service, but in the fifth or fourth grade for special reasons. It would obviously be unfair to take into account in fixing his pay in the time-scale, only the actual length of service, because for special reasons he was put originally in a higher place in the service in these special cases we have adopted the " next below " rule and given the pay on the time-scale that is drawn by the man next below him. But the " next below " rule only applies where there were special reasons for putting a man into the service at a higher stage than the bottom. There may be some other reasons for the particular instances which the mover has given. I shall be happy at any time, if he will bring me the list, to explain to him the individual cases. I have not got the list with me here, but one other reason responsible for the anomaly which has been pointed out, is that there are still two efficiency bars which we have under the present rules. We, in the past, have had some six or seven efficiency bars, and when a man has been passed over for promotion from one grade to another, he has never regained that position; he has always been below the man who passed above him. That will be the same under the new rules, but there will only be two efficiency bars; if a man does not pass over the efficiency bar, he will not regain his place in the service. On the other hand, as regards the past, in bringing the present members of the Service on to the time-scale we have wiped out all retarded promotion, and we have adopted the principle that a man should be treated as if the rules at present in force had been in force when he was appointed for service; therefore, we have in these cases applied only two efficiency bars, one at 12 and one at 18 years.

I hope I have been able to make myself clear to the Council in a matter that is very technical and very difficult to explain, and rather hard to understand, but if the mover wishes to have any further information on the subject, I shall be glad to give it to him.

Maulvi RAFI UDDIN AHMED: After the explanation given, I beg leave to withdraw my resolution.

The resolution was then, by leave of the Council, withdrawn.

Mr. BIJOY PROSAD SINGH ROY: Rai Lalit Mohan Singh Roy Bahadur is absent and has asked me to move the resolution and to read his speech.

The DEPUTY-PRESIDENT: I give you permission to move the resolution. Any speech you deliver must be your own. I cannot allow you to read an absent member's speech.

Chaukidari tax.

Mr. BIJOY PROSAD SINGH ROY: I move that "this Council recommends to the Government that a committee of official and non-official members of this Council, with a non-official majority, be appointed to report on the increase of rate of the chaukidari tax or union rates, and the consequences that have arisen therefrom."

I beg to draw the attention of the House to an important fact which requires our careful suggestion only to help the administration in handling an extremely unpopular affair. Taxation in every form is unpopular and before its introduction it should be tested whether it exactly brings into the coffers of the State the amount it takes out of the pockets of the people. Another canon for taxation is that it should be introduced at the right moment with the little chance of opposition from the people's side. These are the only ways by which a new taxation is ushered in and a strict eye is also kept that it does not become unpopular either at the very beginning or just after its introduction.

Judging by the canons stated above, we find that the levying of the union rates is not working well. I know, Sir, that to have *Swaraj* we have to begin from the cottage where the nation lives. Therefore, the introduction of the Village Self-Government Act roused a ray of hope in the minds of the educated classes and they welcomed it. But when experiment commenced, deplorable news began to come in from many quarters. In introducing the Act we assumed that we shall get sufficient men to work at the helms. Now we find that we have to wait still to train the leaders before we can introduce any potent reforms into the villages.

I admit that a child who knows nothing should be taught the alphabets and any teacher can do that. As the Act works out in the the long run, our failures will be our pillars of success, successful administrators of village affairs will come out. But the time is not opportune for that kind of experiment. When the guardian has reason to expect opposition from the relatives, nay form, the home itself, is it not his duty to appoint a teacher who will be able to properly guide the child and will always help him from falling into pitfalls.

Now, we are living in an era of political unrest. Non-co-operators are always on the look out to discredit the present system of Government. Union rates, it cannot be denied, have become extremely unpopular partly on account of its injudicious methods of assessment and partly for its administration by inexperienced men lacking the ability and morality of a public man.

During recent years union rates have increased very high. A man who paid previously annas 12 only per annum, according to the new rate has to pay Rs. 3 per annum or more. But the villages have not profited by the increase. Their sanitation and education are still in the same

deplorable condition. The improvement of sanitary condition, I admit, is very difficult, as it is next to impossibility to find any standard of common grievances of villagers and even when it is found out, sufficient money could not be had. The next difficulty is the lack of public spirit among the members of the village panchayets. It is often seen that money raised from a number of villages of one union is spent on the improvement of one particular village. This spending of money cannot be maintained on any ground whatsoever. The people can, of course, lodge a complaint to the magistrate, but this is not only expensive but at the same time troublesome also.

These are the bare facts which I place for the consideration of the House. Unless, we can suggest a remedy people will soon begin to listen to the charming voices of non-co-operation leaders. Already a great fuss was made by the non-co-operators in Contai and a great agitation was kept on foot which was captained and financed by the Congress leaders. The Government itself was forced to yield to their clamours and suspended the operations of the Act temporarily. The people of the district of Birbhum are also doing the same thing.

I beg to remind the House that the next weapon to be used against the Government is civil disobedience, of which non-payment of taxes is the principal item. It is our duty not to give them any opportunity to approach the people to preach non-co-operation. It is a moral fight which we have to wage against them. The people, it is naturally expected, will remain on the side of law and order, so long they are not tempted to disobey the Government. Non-payment of taxation is a great allurement which the party from the opposite camp can offer, but the allurement will be much more intensified when the taxes themselves will become unpopular and the natural tendency will lead a man to oppose them.

Non-co-operation leaders have already selected " union rates " as the most unpopular form of taxation as their target. If they succeed in their endeavour, it is very natural that their victory will encourage them to work on for the next laurel. The people will also presumably listen to the victors.

I sum up, Sir, and beg to say that unless a remedy be found out it will be a serious thing for the Government as it will supply the non-co-operators with a handle to fight against the Government. My argument is that this is not the time for experiment of practical theories, specially those which have already become unpopular. I, therefore, ask the House to appoint a committee to think out the ways and means both for the method of assessment and for the rate and also for its successful working out. In doing this, it is only useless to add, that we will do yeoman service both to the Government and to the country at large.

SHAH SYED EMDADUL HAQ moved that after the word ' increase ' the words ' or decrease ' be inserted."

He delivered a speech in Bengali in support of his motion, the English translation of which is as follows:—

The mover of the orginal resolution has elaborately spoken in details. I think it will suffice only to say that in municipal towns the pay of the chaukidars is paid by the Government, but the burden of paying them in rural areas is on the village folk and this is a real hardship. So it is not at all desirable to increase the cost of unions by enhancing the chaukidari tax. In union board areas the post of a clerk has been created and for this post and for other purposes the chaukidari tax has gone up. I, therefore, fully support the motion on condition that in the committee to be formed there should be some experienced presidents and members of village boards to look after the interest of the poor villagers. With these words, I earnestly hope that my amendment will be accepted by the House.

Rai MAHENDRA CHANDRA MITRA Bahadur: The resolution is divisible into two portions—firstly, with regard to the appointment of a committee, and secondly, asking the committee to report on the increase of the rate of the chaukidari tax and the union rates. When the Village Self-Government Act was passed, we thought that it was necessary that there should be an increase in the chaukidari rate in the suburban unions. It cannot be denied that the rate has increased immensely in various districts; so much so, that in Midnapore some of the unions refused to pay the tax and the result was that there has been, as I understand, a communication to the union authorities that the Act will cease to have operation there. I know from my personal experience that in some unions the rate has been increased 100 per cent. and I know also that, even after the increase, the money so realised cannot be spent for the improvement of the villages. The money thus realised is spent on the establishment charges, *viz.*, payment to the chaukidars, payment to the secretary, etc., and nothing, therefore, is left for the improvement of the unions. So even after the increase of the rates we find that nothing has been done in the shape of improvement of the localities. The question remains whether the increase of the rate is justified or not. Looking to the scope of the Act, we find that after the increase there is an appeal to the Magistrate and his decision is final, but there has been a good deal of dissatisfaction and discontent everywhere regarding the manner in which the rate has been enhanced. It appears from the speech of my friend, the mover, that in some cases civil disobedience was preached. It is high time, therefore, that there should be an inquiry on the subject. The difficulty which I find is, whether we ought to have a roving committee from district to district, because in one district one union rate has been enforced and in another district another rate has been imposed. So under the circumstances, there is some difficulty for the purpose of carrying out the object of the resolution, but in my humble opinion, it is necessary when there is so much dissatisfaction there is

a justification for making an inquiry on the subject. If the matter is entirely left to the district boards, the Chairmen of the district boards may investigate the matter. I think that it would be rather difficult on the part of a committee, appointed in Calcutta, to make suggestions on the various incidence of taxation in different districts, but at any rate, I am for a report on the subject and I think that some inquiry should be made into the complaint raised. I submit that I do support the resolution.

Babu JOGENDRA NATH ROY: I had given notice of a resolution on the union rate. I think if the Council accepts the resolution proposed by my friend, Rai Lalit Mohan Singh Roy Bahadur, my purpose may be served. I have, therefore, the pleasure in supporting the resolution.

The Bengal Village Self-Government Act, 1919, contains a provision by which the rate which a person may be liable, may become inordinately high. And I also proposed that the words " to be protected " should be added after the words " circumstances and properties " in section 38, Chapter V of the Act. The increase in the rates has created difficulties in several places, and the situation in Contai in the Midnapore district assumed actually alarming proportions. I hope my friend, Rai Abinash Chandra Banerjee Bahadur will correct me if I am wrong in saying that Birbhum was also affected by the epidemic of non-payment of union rates.

Under the circumstances, the whole matter requires reconsideration. I consider the village self-government the true foundation on which *swaraj* or self-government within the Empire should be built up, and every care should be taken to make it popular. This purpose will be served by examining the condition and I hope the Council will agree to the appointment of a committee as proposed by my friend, the mover of the resolution.

Raja MANILOLL SINGH ROY: The chaukidari portion of the union rate has not been enhanced except for the higher prices of the materials for uniforms, etc. If anyone is required to pay more in addition, it is for the expenditure for better water-supply, minor sanitation, maintenance and construction of village paths, free distribution of medicine where there is no private or public charitable dispensary at hand, and for primary education within the union, over and above what is done by the district board. All these are optional with the people themselves. The maintenance of the major roads, including the local board roads, is paid for by the district boards; so is the sinking of wells and excavating tanks. They are done by the district boards and are maintained from the district board funds. The union boards from their own funds clear private tanks, cut jungles and look after the village paths or roads and the village-drains. The district boards augment the resources of the union boards by contributing according to section 45 of the Village Self-Government Act and have in addition, in many

districts, made over to them the incomes of the pounds and in special cases make grants for special works which they are not in a position to take up without such help. I wish the funds at the disposal of the district boards were adequate to help the union boards more. But I am sorry to say that they themselves are verging on insolvency. It is for the good of the locality, the local people, through their own representatives in the union boards, levy union rates according to the circumstances of the people, exempting those who in their opinion are too poor to pay 6 annas in a year. Formerly, the people had to pay 10 per cent. on the chaukidari tax as collection charge, which was used to be paid to a functionary known by the name of collecting panchayet. Now, in the place of the " collecting panchayet, " a Secretary has come in, whose functions are multifarious, including the collection of the rates. In some districts, he is required to take training in agriculture and minor sanitation to make himself fit to be of any assistance to the President and to the union boards. He also does the clerical work of the board. His pay varies from Rs. 15 to 20 a month in different places. And so long as men patriotic enough to work without remuneration are not forthcoming, we must have a paid man. It lies with the individual union board to resort to self-taxation and any one may object to his own union board, if he thinks he has been wrongly assessed or any favouritism has been shown to any one, the District Magistrate may be approached. The chaukidari portion of the rate has not been increased except for the higher price of the uniforms, etc., and the union rate has been imposed for the first time where union boards have been formed and for the benefit of the unions as mentioned before, by the representatives of the people. What I have said is from my humble knowledge of affairs, as a President of a chaukidari union for over 15 years, and a Chairman of a district board.

I beg to add that I do not think that the officers of the Government put pressure on the union boards to tax more. If that be so, they should be warned not to do it. They should try to educate the people and not to force them to tax out of all proportion to their income, etc.

I think there may be some instance to pay more than an adequate sum to the Secretary of the Union Boards out of all proportion to the money realised or work done by them and this should be deprecated, and the District Magistrates may be asked to see to this, as a pice added to the expenditure of such a nature is a pice added to the assessment on the villagers for nothing.

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Henry Wheeler): We have had various examples during the last year of the somewhat pathetic belief of this Council in the efficiency of a committee as a solution for anything and everything, but with every wish to view sympathetically the various important points connected with village administration upon which speakers have touched, I cannot but think that this is an unfortunate instance in

which to ask for this remedy of a committee. Further I must confess to even now being left in a state of some uncertainty as to what precisely the speakers want us to inquire into. As I have said, they have touched upon many interesting features of village self-government, and have raised various points about which much has been, and could be, said and written. But I am still rather at a loss to know on what lines a committee is to set about an inquiry and what information they are to obtain which we do not already possess.

Mr. Bijoy Prosad Singh Roy has referred to the fact that the promoters of civil disobedience have seized upon the union rate as a hopeful field for spreading disorder, and that, unfortunately, is perfectly true. The movement has made itself manifest, particularly in Midnapore; but there is not much in that into which a committee could inquire. We know generally what the facts are; we know that the non-co-operators go round the districts seeking any grievances upon which an agitation can be built. The extension of the union boards to Midnapore is a matter of recent date; the experiment was new and it was possibly carried through a little hurriedly; therefore, there was every opportunity for suspicion and distrust to be engendered. The non-co-operator seized upon these facts for a display of his tactics, and we have had some trouble, as the Council is aware, culminating in the withdrawal of the notifications constituting some of these boards by my friend, Sir Surendra Nath Banerjea. These are the facts, and there is little for a committee to inquire into about them. As a sidelight on the tactics employed by these thoroughly unscrupulous persons, I may cite a small incident that was recently brought to our notice. After starting the agitation some of the non-co-operators seem to have got frightened as to the extent to which non-payment of taxes was spreading; they consequently tried to put the brake on, and told the villagers to pay up their dues; to which the simple villagers replied, "When we subscribed to the Swaraj Fund, you told us that we would not have to pay any more taxes; and we do not intend to pay any." That is the sort of method that has been employed, and it accounts for this unfortunate movement which has shown itself.

Apart from that, and turning more to village administration, a complaint has been made by Rai Mahendra Chandra Mitra Bahadur in particular of the fact that these village rates show a tendency to increase. For that there may be various obvious reasons. As is well known, there are two rates, *viz.*, the chaukidari rate and the union rate for minor works of village improvement. As regards the chaukidari tax, the old maximum pay of chaukidars was not inserted in the Village Self-Government Act, and, therefore, it is possible under that Act, for chaukidars to be paid at higher rates than before. We are all agreed that the pay of chaukidars is inadequate in modern conditions; and its enhancement may have been responsible for a portion of this increase. There is another factor which may have led to a regrettable increase in

taxation and that is the cost of chaukidars' uniforms. Last year we compiled some figures which roughly showed about a threefold increase in prices, and that, of course, means more expenditure. Another possibility—though not a likely one—is that the number of chaukidars has increased with the growth of villages. Any of these factors may have been at work. The incidence of the ordinary union rate depends entirely on the amount of work which the village union wishes to undertake. If it wishes to do nothing, it need not raise money; if it wants to do a great deal, then it must put itself in funds by the method of taxation. But presumably, then, it gets back for the taxation the benefit of these improvements. I do not think that it is the case, as Raja Manilall Singh Roy rather seems to be afraid, that district officers put pressure upon these unions to embark on schemes which are beyond their resources, though that is rather a matter for Sir Surendra Nath Banerjea to consider than for myself. But these are all factors which may be operative, and we are again brought back to the main point, how can they be investigated by a committee? Rai Mahendra Chandra Mitra Bahadur has practically scrapped the committee in his speech, as he himself sees the great difficulties of a roving commission of this kind; but if the committee is to be scrapped, then the whole resolution falls to the ground. After all, these matters are questions of local detail. If you want to find out why taxation has gone up in union A or union B, you must send men to union A or union B and find out what really has happened; what they have done and why they did it; that is the business of the local officers, and it is one of the purposes for which we created the agency of circle officers who can go to the villages and investigate questions of this kind. But a committee sitting here in Calcutta and receiving general statements that taxation has gone up here, or that it should be lower there, will, even with the best of intentions in the world, be able to ascertain very little. Therefore, I would deprecate the acceptance of this resolution. But if there is any matter—and I am sure I speak for Sir Surendra Nath Banerjea as well—as we are jointly interested—in which we can give members any further information or ascertain any facts they want, we will do our best to meet their wishes.

Mr. BIJOY PROSAD SINGH ROY: I have nothing to add to what I have already said.

The DEPUTY-PRESIDENT: Do you wish to withdraw your resolution?

Mr. BIJOY PROSAD SINGH ROY: I do not want to withdraw the resolution.

The amendment of Shah Syed Emdadul Haq that after the word "increase" the words "or decrease" be inserted, was put and lost.

The original resolution which stood in the name of Rai Lalit Mohan Singh Ray Bahadur was then put and lost.

Withdrawal of resolution.

The DEPUTY-PRESIDENT: As Rai Jogendra Chunder Ghose Bahadur is absent, the following resolution, standing in his name, is deemed to be withdrawn:—

"This Council recommends to the Government that the appointment as special constable be not made by way of punishment to a political offender or for political opinions."

Treatment of political offenders.

Rai RADHA CHARAN PAL Bahadur: I move that "this Council recommends to the Government that all persons convicted and sentenced to suffer terms of imprisonment for offences of a political character such as are embraced by sections 124A and 153A of the Indian Penal Code, and section 17, sub-sections (*1*) and (*2*) of the Indian Criminal Law Amendment Act, 1908 (XIV of 1908), and the law for the Prevention of Seditious Meetings Act, 1911 (X of 1911), be treated as first class misdemeanants as in England."

I hope that if this resolution is carried it may not be necessary to give effect to it, having regard to the more comprehensive resolution, which was passed by this House only last week, and which, we fervently hope, will be given effect to by His Excellency the Governor. But as we are still in a state of uncertainty as to the fate of that resolution I venture to think it is necessary to move this resolution at this stage; and in doing so I wish to point out—and I think it is well-known to the Hon'ble Member in charge of this Department—that the treatment of political prisoners in jails has aroused a volume of public feeling, and I may say in some places indignation, which demands the careful attention of the Government in order that they may introduce such reforms as will allay the growing resentment which has taken a strong hold on the popular mind. Although we may not, and most of us do not, agree with the political creed of those who have come forward to preach and practise their doctrine of political salvation in defiance of the orders of the Government, it must be admitted by all, whether agreeing with them or differing from them, that they are actuated by a patriotic sense of their duty and allegiance to a political creed, which they honestly believe, and religiously pursue. The majority of them, I venture to say, are non-violent people, and some of them, in their various walks of life, occupy most distinguished positions in the country rendering in their own way, services to their motherland. They do not belong to the criminal classes, that is to say, to the category

of habitual and confirmed convicts, nay, most of them are educated gentlemen of the *bhadrolog* class, and this is an additional reason why, although they have transgressed the law as it now stands, it is incumbent upon the Government to treat them in such a way as will react favourably on their own minds and rally public opinion on the side of Government. Acting in this spirit, I find, that the Bihar Government have issued a circular in which it is enjoined that political offenders, convicted of charges under the Criminal Law Amendment Act and the allied Acts, shall be shown every consideration as is done to the political offenders in Great Britain as first class misdemeanants. Then there is another circular, which deals at considerable length with this question and lays down certain specific instructions to be observed, not at the discretion of the Jail Superintendent but as the orders of the local Government. It is stated there—I hold a copy of that circular in my hand—that all persons convicted of offences under these Acts, although sentenced to rigorous imprisonments, shall be treated in the same way as persons sentenced to simple imprisonment, and I find that the series of instructions, which have been issued, generally follow the lines of treatment accorded to similar offenders in Great Britain. I need not bore the House by reading the various instructions that have been issued, but in brief I may point out—I hold also side by side our Government's orders relating to the treatment of the special class of prisoners, I must thank the Government for the little mercies contemplated in their orders—that the *communiqué* of this Government is not inspired by the same liberal policy, which must have influenced the Government of Bihar and Orissa. In the Bengal Government *communiqué* practically everything is left to the discretion of the Superintendent of the Jail and thus the spirit of concession is substantially neutralised by regulating the responsibility to individual whim or caprice. I shall cite one by one some of the prominent items in these two circulars. First, as to special accommodation, the Bihar Government direct that special accommodation is to be provided in separate cells to every political prisoner, and here our Government lays down that special accommodation, if possible, should be allowed to political prisoners at the discretion of the Jail Superintendent. The "*if possible*" kills all your kindness, and makes the whole business optional, not obligatory as it is in Bihar. Then, as regards food, special dietary is allowed by our Government here, but the Bihar Government with greater hospitality, permitted food to be supplied from outside and have further all the comforts that are possible in the jail which may be furnished by way of furniture and other requirements if paid for. If required, the prisoners may pay a small sum for all the comforts that they may require to be provided for them within the jail premises, and further, it is stated here that they may be allowed to have their own food from outside, or cook it themselves, to smoke and to have their own clothes and beddings. They may be allowed, in the case

of under-trial prisoners, to purchase what literature they may like, but in the case of convicts the Superintendent shall exercise his discretion. Side by side with these instructions, I find that the Bengal Government order does not contain any such instructions to the Jail Superintendent. Then they may be allowed lights up to 9 P.M. for the purpose of reading. I have been visiting the jails for some time, and I may state that, notwithstanding the orders of the Government, there is considerable complaint amongst educated prisoners and specially amongst under-trial prisoners that they do not have the privilege of lights up to 9 P.M. as they have in Bihar under the circular of the Bihar and Orissa Government.

Then there is another important thing. Here the cells are locked up after 6 P.M. and considerable inconvenience is felt by the prisoners, who are confined after dusk in these narrow cells and are not allowed to come out in the open verandah to have a little fresh air. It must be understood that the more genteel privileges will have to be paid for by the under-trial or convict prisoners themselves. In Bihar if they pay a small sum weekly, a jail servant will be allowed to keep clean and tidy their cells and furniture and if several of them are confined in one ward, a sum of annas eight a week is suggested to be fixed for each prisoner. This is the order of the Inspector-General of Prisons, Bihar and Orissa. It is stated in the Bihar Government's order that it is possible that in a year or so the jail accommodation may become quite inadequate; if so, arrangements must be made to transfer the prisoners to some other jail so that they may live comfortably there. It will be seen, therefore, that all these instructions go a great way to mitigate the hardships of these unfortunate people, but unfortunately the notification of the Bengal Government does not go to the same length as the Bihar Government orders have gone.

Then I may cite one or two concrete cases. I believe the Hon'ble Member is aware—I do not know what orders have been passed yet—that there is a gentleman by the name of Pandit Bajpaye, who is the editor of a *Hindusthani* paper and who has been convicted and sent to jail. He is a high class Kashmere Brahmin, and I am told that according to the custom of his country and owing to religious scruples, he could not very well take food cooked by another person and that therefore he wanted to cook his own food, but he could not get that permission from the Superintendent of the Jail and as such he had practically to live on bare milk for days together. I was asked to approach the Hon'ble Member in this matter, which I very readily did. But I do not as yet know what orders have been passed, though it is long since I approached him in regard to this case. This is so far as the Bengal and the Bihar Governments are concerned. Then our resolution—not only mine but there are other resolutions, which are to follow mine—lay particular stress on the treatment that is accorded to political prisoners in England, where they are

treated as offenders of the first division or first class misdeameanants, and what I find is this: that in England an offender of the first division is kept apart from all other classes of prisoners. That is to say, in England, the prisoner, who is treated as an offender of the first division, is placed in a room or a cell set apart for the prisoners of this class: he is allowed to have his own food, which includes a limited quantity of wine or beer, to wear his own clothing and to have his own furniture: on payment of a small sum weekly, he can have a room all for himself with special furniture and assistance in keeping it clean and tidy. He is not required to work, but he may be permitted either to follow his own trade or profession or at his option to be employed on the industries of the prison. He is allowed to provide himself with books, newspapers or other means of occupation, and is permitted a visit from his friends and to receive and send letters once a week. In this connection I may point out that the Bihar Government orders follow very largely the procedure, which is observed in England. From the orders issued by our Government, I find that instead of once a week communications with relatives and exchange of letters, they are allowed once a month. I think, therefore, that this is also a very essential point on which there is such a great difference between the orders of the two Governments, not to speak of the English procedure.

I do not think I need encroach further on the time of the Council by dilating on this matter further. While I fully appreciate the sincere desire of the Hon'ble Member to lighten and to mitigate the miseries and hardships of these people, I cannot but think that the measures adopted by Government up till now are quite inadequate to meet the situation. Nothing is lost by showing a little more kindness and sympathy towards these people. To put the matter epigrammatically, the policy of kindness and sympathy can never err by excess. The British Government above all is not vindictive—far from it, it is always generous. I am not humourising my European friends here by this compliment to the instructive charity that is in them, that is the lesson we gather from the teachings of History, and, therefore, let me hope, however—our friends here may be perturbed at times, and sometimes we too are perturbed by the activities of the non-co-operators—they would not wish at all to be in any way vindictive. After all, a little more kindness, consideration and sympathy towards these gentlemen, however misguided they may be, will go a great way to placate public opinion and rally it towards Government. Conciliation reaps a harvest more fruitful than coercion does.

Kumar SHIB SHEKHARESWAR RAY: I beg to withdraw the following amendment:—

"That for the word 'persons' the words 'prisoners whether under-trial or' be substituted."

Dr. JATINDRA NATH MOITRA: In view of the fact that this Council has already given its considered verdict in favour of the immediate withdrawal of the repressive laws recently promulgated in Bengal, I think it will not only be redundant but meaningless to move the following resolution at this stage, and I therefore beg to withdraw it:—

"This Council recommends to the Government that all persons recently convicted in Bengal under the Indian Criminal Law Amendment Act of 1908, but professing and practising strict physical non-violence, be considered as political prisoners."

Mr. TARIT BHUSAN ROY: I beg to withdraw the following resolution as I have an amendment to that effect:—

"This Council recommends to the Government that early steps be taken for treating all political prisoners, whether under-trial or convicted in Bengal, in the same way as such prisoners are treated in England during imprisonment, and that in the meantime they be placed on the same footing as European prisoners in the matter of treatment, food, clothing, habitation and other facilities."

Babu SARAT CHANDRA JANAH being absent, the following resolution was deemed to be withdrawn:—

"This Council recommends to the Government that early steps be taken to treat political prisoners, including non-co-operators, as similar prisoners are treated in England, and that pending the necessary arrangements to give effect to this resolution, facilities in the matter of food, clothing, as now extended to European prisoners, be given to such prisoners."

Treatment of political prisoners.

Babu INDU BHUSHAN DUTTA: I move that "this Council recommends to the Government that all 'political prisoners' be classed as 'special class prisoners,' as defined in the press *communiqué* issued by the Government of Bengal, Revenue Department (Jails Branch), dated the 30th December, 1921."

For a long time past the question of the treatment of political prisoners in jails has been discussed in public platforms and in the Press. Many witnesses brought this matter before the Indian Jails Committee of 1919-20; an agitation has slowly but surely been going on for according special treatment to this class of prisoners, but the recent happenings in connection with their treatment has brought the matter to a head. The sight of people of good social position, whose only fault was that they had adopted different political views and acted according to their lights, being handcuffed, the brutal flogging of respectable educated men having the same social status, if not a better one than that of the officer ordering the flogging in the Faridpur Jail, the condition of the Kidderpore Jail, specially during the first few days, have attracted the attention of the whole nation to this particular problem. The situation takes

a more serious turn when it is remembered that even ordinary criminals, who happen to be Europeans, are treated better than the Indian political prisoners. The question can no longer be put off. It has to be boldly faced and a solution found for it."

I am conscious that the report of the Indian Jails Committee has failed to deal with this matter in a favourable light, but their admission that the additional form of imprisonment suggested in paragraph 130 of their report, *viz.*, a separate classification of simple imprisonment may meet all possible needs, shows that they cannot but recognise the possibility of special needs for special class of prisoners. This Committee has refused to consider the broad question of the motive of a convict in respect to his treatment in jails. I must confess that I am not surprised at this attitude, because I cannot forget that the non-official element had not been strongly represented on this Committee. I know that my arguments will carry no weight as against those of this Committee, but I hope this Council will concede that the opinion of such an authoritative writer like Mr. Frederick Harrison should have its due weight. Mr. Frederick Harrison thus puts the whole case in a nutshell:—

> A political offender should never be regarded and punished in the same way as an ordinary criminal. For the former commits offence not for any private gain but from a sense of public duty; instead of feeling himself humiliated he regards his act as a public service; he is looked upon as a martyr by his own party and above all, though he may be detested by his political opponents, he is not certainly considered by them dishonoured. It is however quite different with an ordinary convict. No one will associate with a thief, the latter himself will hang down his head in shame when he comes across an honest man; in short, even in his own estimation, he is but a degraded creature who has lost his character as a self-respecting human being.

The whole crux of the problem is there. Can you honestly say a common thief, a robber or a murderer, who takes to crime for his personal gain or personal passions, is to be classed with a man who, however mistaken he may be in his ideas, has an ideal before him? Instead of personal gain, he is ready to sacrifice himself for the good of his cause. There must be a differentiation. With all his faults, his high motive places him in a different category to the ordinary criminals.

Then again, in almost all civilised countries, political offenders of a foreign nation are not liable to extradition, as the ordinary criminals are. The difference is there and is recognised all over the world.

I am glad to find that this differentiation has been practically recognised by the Bengal Government, though they would not admit it in so many words. The notification of the Government of Bengal, Revenue Department, Jails Branch, dated 30th December, 1921, has created a special class of prisoners by reason of their social position, education and standard of living. The treatment proposed to be accorded to them is very fair, and I congratulate the Hon'ble Sir Abd-ur-Rahim on the initiative that he has taken. But I must confess that he has not gone as far as he might have done.

He leaves the matter at the discretion of the Superintendent, which is a most unsatisfactory arrangement.

The Indian Jails Committee clearly says that the care of criminals should be entrusted to men who have received an adequate training in penological methods. I believe that the Superintendents, with all their medical learning, are mostly ignorant of penology. For the present, I should suggest that this classification should be left in the hands of a committee consisting of the Superintendent and the non-official visitors of the jail; but this is not enough, all political prisoners should *ipso facto* be placed in this class. This will prevent these prisoners being placed at the mercy of the whims of individual superintendents. I have heard it said that many mill-hands have been convicted under the Criminal Law Amendment Act and it would be an abuse of concession to accord them special treatment. When even this class of people can be prepared to come to jail for political motives, what right have we to make a differentiation among the people who have all been convicted for the same offence? If these people had been convicted for ordinary criminal offence, then, of course, they should have been regarded as criminals. But, Sir, in these days of democracy we ought not to make any differentiation between different classes of people, and I do not think that even the leaders of the political movement would like that there should be any differentiation between different sections of their party.

I shall not dilate on this argument further specially because I know that this Council has recently decided to recommend the release of all prisoners convicted under these special Acts. They are prisoners under extraordinary circumstances, and will, I hope, be shortly released. In England, as we have been told, political prisoners are treated differently. It is all the more necessary that they should be so treated in India. It is not a wise policy for any Government to create unnecessary discontent.

Dr. HASSAN SUHRAWARDY: I move that "this Council recommends to the Government that immediate steps be taken to modify the existing law so as to make it possible for the jail authorities to accord the same treatment to political prisoners as to first class misdemeanants in England." I find that in England, sections 40 and 41, Vict., c. 21 (Prison Act, 1877), section 40, lays down that the Prison Commissioners shall see that any prisoner under sentence inflicted on conviction for sedition or seditious libel shall be treated as a misdemeanant of the first division within the meaning of section 67 of the Prison Act, 1865 (28 and 29, Vict., c. 126) notwithstanding any statute, provision or rule to the contrary.

Then in regard to the treatment of offenders of the first division, in respect of books and newspapers, clothing, compulsory bathing, employment and domestic cleaning, hair-cutting, searching, separation from other offenders, special location and furniture, supply of food and other

things, my friend, the Rai Bahadur, has already referred. Speaking generally, they are treated in the same way as prisoners awaiting trial. They are allowed to receive letters and visits from more than three friends at intervals of a fortnight. Additional letters and visits may be allowed. They are kept in a separate place from other prisoners. They are allowed by the Visiting Committee, on payment of a small sum, to occupy a special room furnished with private furniture, and they may provide themselves with food, clothing, bedding or other necessaries which they may get from home. They may also with the consent of the Visiting Committee be visited by their own medical attendance at their own expense. A daily visit for 15 minutes by one person is also allowed, and if circumstances permit by two persons at the same time. These are the special considerations which are allowed to the prisoners classed as misdemeanants of the first division in England. I have taken the reference from Halsbury's Book on Prisons and Archibold's Criminal Pleadings, Evidence, etc. Here in Bengal, however, the treatment is quite different both to under-trials and those actually convicted. Even an under-trial like Mr. C. R. Dass is locked up in a cell from about 6 P.M.

During December last year and January and February this year, I paid several visits to the jails; to the Central Jail at Alipore, the Presidency Jail proper and to the temporary extension of the Presidency Jail at Kidderpore.

I was at once struck by the absence of any distinction in the matter of food and beddings, etc., between the ordinary criminal convicts and those sentenced to terms of imprisonment for political offences. I shall read a passage from my minutes from Visitors' Book of the Alipore Central Jail:—

> There was a general complaint from the political prisoners of insufficiency of blankets. I saw they had one to sleep on and one to cover, there is no doubt they feel the cold. Some of the blankets were badly torn and worn out. They complained of the quality of the food. I watched their feeding, it was the same food as that for ordinary convicts—they all ate out of the same kind of iron plates and had no tumblers or cups to drink out of. There is a very strong feeling against political prisoners being given the same coarse food as the ordinary convicts, specially as the ordinary European convicts, irrespective of their station in life and of their offence, get one standard diet of higher class food. In my opinion the authorities will do well to have one standard of food for all political prisoners, and one class of dress for them and not the ordinary convict uniform. The *bhadralog* class are used to fine rice, all *dals* cooked in thick consistency and vegetables and fish, well cooked, and a little ghee to be eaten with rice. This standard of food should be allowed to all Indian political prisoners and those who are used to and ask for European food should be given the same. Invidious distinction in beds and bedding between ordinary European convicts and Indian political prisoners should be abolished. They should be given some soap to keep themselves and their clothes clean, also a barber should visit them occasionally to pare their nails and crop their hair. They were complaining specially about their nails as these were very long and dirty.

MEMBER in charge of DEPARTMENT of REVENUE [JAILS] (the Hon'ble Sir Abd-ur-Rahim): What is the date of your visit?

Dr. HASSAN SUHRAWARDY: It was on the 21st December, 1921.

The above quotation has reference to my visit to the Central Jail at Alipore on the 21st December, 1921. From the passage quoted by me it will be apparent that while on the one hand there was no distinction between an Indian criminal convict and the political prisoners of all grades of education and social status, there was an invidious distinction apparent between them and those classed as Europeans which, by the way, included Chinamen, Africans, Jews, and Japanese, in fact every other oriental excepting the Indians themselves. The *ex*-Vice-Principal of Chittagong College, whose name I have forgotten, Dr. Banerjee, Maulvi Mujibar Rahaman, Badshah Mian and many others were amongst those that were partaking of their meals which I have referred to in my notes in the Visitors' Book. I agree that discipline and order must be observed within the jails as much as outside it, but I advocate that the jail should not be a place for degrading and subduing one's finer sentiments of self-respect and of friendship between man and man, irrespective of caste, creed and colour (Several voices: "Hear, hear.")

I shall read an extract from my minutes written after a visit to the temporary jail at Kidderpore on the 7th January 1922, which expresses my opinion on the arrangements I found there.

I found that the arrangements at the Kidderpore temporary jail were very unsatisfactory, although the jail was in operation for nearly a month or more before my visit. I sent a copy of my notes to the Inspector-General of Prisons and to the Superintendent in charge. The following occurs in it:—

> I am constrained to say that I did not see much evidence of the authorities having previously made any definite forecast of the arrangements, that will be necessary for feeding, clothing and ensuring conservancy service for such a large and increasing number of prisoners. It is apparent that they are meeting emergencies as they arise and had not anticipated the requirements. In the present state of public feeling it is highly desirable that every effort should be made to ensure efficient organisation and the removal or at least reduction of the causes of bitterness and adverse criticism.

The probable result of bringing into operation the Criminal Law Amendment Act and Seditious Meetings Act ought to have been apparent to the authorities, namely that the jail population will go up to a considerable degree, the authorities in charge of the jails should therefore have informed Government that they were not prepared for it, or they ought to have made proper arrangements for feeding, clothing and conservancy service for such a large population which was expected to be placed in their permanent or temporary jails. If they did not do this or did not look ahead, the responsibility for bad arrangements which I

saw, and about which the various other non-official members of this Council have written, I submit, will be naturally laid at the doors of the authorities responsible for jail administration.

There was general complaint regarding the irregularity of the hours of feeding. I was told no food is given to the prisoners in the early morning, as is done in the regular jails, and breakfast was served generally somewhere about 1 to 2 P.M. and evening meals between 8 and 9-30 P.M. at night.

The Hon'ble Sir ABD-UR-RAHIM: What is the date of that?

Dr. HASSAN SUHRAWARDY: It was 7th January, 1922.

On the 16th January, I again visited the Kidderpore Jail and the following remarks were made. I found that efforts were made to give effect to certain suggestions and recommendations, but the work was going on very very slowly and there were lots of things yet to be done. I pointed out that the causes of bitterness of feeling will not be decreased but will go on increasing unless these grievances were removed. That there were several resolutions to that effect on the agenda of the coming Session of the Bengal Legislative Council and I also wrote that as these matters have also been brought to the notice of the higher jail authorities by me and other non-official members more than once, I did not think that we need reiterate them over and over again. If it is deemed necessary that in order to give effect to the recommendations and suggestions made by non-official members at this Council as well as by the non-official visitors, the regulations of the Jail Code and the law should be changed. I suggested that these should be expeditiously done. But still the authorities have not accorded to the political prisoners, *as a class*, the treatment that has been recommended by more than one non-official member of the Council and visitors of jail. The *bhadralog* class have certainly been allowed a distinctly higher standard of diet and better treatment, but political prisoners as a class have not been given this privilege. In the Kidderpore Jail although a large percentage of prisoners is drawn from the student class, yet they had the kind of food which I saw on the 7th and the 16th January. They certainly belong to the *bhadralog* class and cannot be classed with the mill-hands. These political prisoners as a whole have to put up with more physical discomfort in feeding and in sleeping and in respect of other arrangements, and they suffered much more hardship than the inmates in the regular jails, especially those in the Presidency Jail, where the arrangements have always been good and have lately been considerably improved. I was told by the higher class prisoners at Alipore Jail that they refused the better quality of food offered to them as their fellow-prisoners, who were drawn from the humbler position in life, did not get it. There should be certainly be a uniformity in treatment.

I have discussed this matter with many European and Indian officials and the chief objections that have been put before me, is that

the lower grade of so-called political prisoners, who belong to the labouring classes, should not be given the same food and treatment as the *Bhadralog* class as, otherwise, the jail will become an attraction to them. But, Sir, I do not believe that every one will sell his birthright for a mess of pottage. (A voice: "And fair pottage.")

I must confess that I do not quite follow why there should be one law for the rich and another for the poor. (Several voices: "Hear, hear.") Besides this that particular class of prisoners who go to jail for a principle, that class of persons—no matter from what social grade they come from—cannot be forced to change their conviction by harsh treatment, or their spirit can be subdued by bad treatment. It will only result in creating in their minds an increasing bitterness and hatred against Government. I think the deterrent effect caused by the hardship of a jail régime will only affect those who are mercenaries or do not possess sufficient strength of character. In a civilized country, I think the legislature aims at removing a seditionist away from his sphere of mischievous influence, and also at depriving him of his freedom, and not at persecuting and crushing him by harsh treatment. Even the ignorant mercenaries will feel the pangs of separation from their wives and children and from the association of their homes. Is this not a sufficient punishment that we should add humiliation of spirit and physical discomfort to it?

To the sentimental Indian his home and his family are his club, his cinema, his theatres and amusements, and everything else which make life worth living.

It has been truly said, "'Mid pleasures and palaces though we may roam, Be it ever so humble there is no place like home."

Our jails are not pleasure grounds nor palaces, and in spite of the generous diet of which we have heard so much from the authorities, and in spite of the comfortable two-storied *pucca* houses, the jail can never take the place of one's lowly home. Does a bird ever like to exchange the gilded bars of a cage for its freedom in its humble nest in a leaf bower? (Several voices: "Hear, hear.") No, Sir, I submit incarceration alone is quite enough punishment for the political prisoners.

I am sorry that I find even high placed officials complain that I do not see matters in the same perspective as they do and hurl criticism on jail administration without considering the difficulties they have to contend against. I, for one, quite appreciate their difficulties, but am sorry if I cannot see eye to eye with them. Our experience during recruiting for the great war has shown that there are sources for material to be drawn from in case of emergency if money is spent and the situation properly handled.

I would like the Hon'ble Member in charge of the jail administration to consider that I am a member of the Council who has had the advantage of acting as a Superintendent of a district jail and have thus acquired some first-hand knowledge of the working of the jail admini

I am in touch with all grades of Indian society and my recommendations and suggestions are made after due consideration of the feelings and demands of my people, whom I have the privilege of representing on this Council. I know of the sympathetic attitude of the Hon'ble Member and his desire for doing justice and I have every hope of a satisfactory settlement.

I strongly put it to Government that they should not, for their own sake and for the sake of the country, create bitterness and hatred in the minds of the political prisoners, some of whom are men of the highest education and culture, whose influence might be a great asset to Government. From Howard the Philanthropist, who worked so hard to reform the prison conditions in Europe, to the present times of recent Jails Inquiry Committee here, vindictiveness and retaliation have not been the principle of British Government. Conversion by persuasion, and not compulsion by force and coercion, is the avowed principle of the Britisher. I am not a prophet, but I see it quite possible that at no distant future the *honest* extremists of to-day may become the moderate leaders of to-morrow, supporting maintenance of law and order on the side of the Government, provided tact and forbearance is shown and the present situation handled in the right way.

Mr. TARIT BHUSAN ROY: No one can ignore the fact that the Government and the people have fallen upon evil times and evil tongues. It is said that those who care to speak in the name of the country are either opportunists or obstructionists. I must frankly confess I am neither the one nor the other; I fully recognise the difficulties of Government and I am not here to-day to add to them. I feel that there are positions and times in the history of a nation when it is the clear duty of every true well-wisher of the Government and of the country to speak out with a candour which is refreshing without being offensive.

It is not my intention to discuss the merits of a policy which has culminated in the arrests and prosecutions of patriotic Indians, as it is not strictly within the scope of the resolution now before the House. Men in the highest rank, men of honour and eminence, and let me add of character also, have willingly surrendered their liberty with the avowed object of serving the motherland.

The resolution so well explains the extent of the reform that I press for, that I do not think it necessary for me to deal with the proposition at length. I stand before you for securing the same generous and humane treatment to our political prisoners as is accorded to similar prisoners in England. I hope, I approach you in an atmosphere of sympathy, for I cannot help recalling the inspiring utterances of His Excellency Lord Reading while replying to the address of welcome presented to him by the constituency which I have the honour

of representing in this Council. In a voice that is still ringing in the ears of those who had the privilege of listening to him and with a characteristic frankness, His Excellency was pleased to make the following observations which I venture to place before you—

I should be sorry to say one word which should increase the state of tension that exists and, in particular, I should be very sorry to say anything that would seem to be ungenerous criticism of persons who in a wave of emotion take action which brings them into conflict with the authorities in the town.

His Excellency further remarked, in all sincerity, as follows—

I do not, however, want it to be thought for one moment that the Government's only policy is prosecution and arrest. No greater fallacy exists; there is no greater mistake than to suggest that the Government means only to govern by resort to force and all that is consequent upon it.

Lord Ronaldshay has likewise given expression to similar sentiments in Bengal. I refer to these pronouncements of weight and authority as tending to show that it was certainly not the intention of Government to be at all vindictive in their treatment of political prisoners. Charges of inhumanity and severity towards political prisoners within the precincts of jails have been levelled and repeated even by members like Dr. Jatindra Nath Moitra and Rai Radha Charan Pal Bahadur in spite of official contradictions and denials. In the name of discipline, measureless indignities are alleged to have been committed or permitted upon political prisoners in many parts of the country. Harrowing tales of oppression and misery have been unfolded from day to day, and they have distressed us all to read of them and perhaps none more than Hon'ble Sir Abd-ur-Rahim, the Member in charge of jails. It is gratifying to find that he has issued certain orders as a temporary measure to all superintendents of jails for classifying some political prisoners as special class prisoners. I welcome these as the outcome of a spirit of sympathy. If I knew that we had the institution of Visiting Committees in this country, as they have for local prisoners in England, I would not have felt the necessity of pressing for the acceptance of the resolution. I must make it clear that I use the expression "political prisoner" as distinct from the expression "criminal prisoners," which is applied in England to a prisoner charged with or convicted of a crime. Political dacoits do not therefore come under the category of "political prisoners." In England, prisoners of the first division are misdemeanants and not felons and they are treated as under-trial prisoners. Under-trial prisoners receive the following special treatment in England:—

(*a*) With them work is optional and not compulsory.

(*b*) They may have letters, books and papers which are not objectionable and their own food, clothing and bedding.

(*c*) Their hair need not be cut.

(*d*) They may receive daily visits for 25 minutes and have their own medical attendant with the consent of the Visiting Committee, at their own expense.

(*e*) They may be allowed by the Visiting Committee, on payment of a small sum, to occupy a special room furnished with private furniture.

In England, there are various other classifications, such as, second division, third division. All convicted prisoners, except those of the first and second division, are again divided into (*a*) Star class; (b) Intermediate class; and (*c*) Recidivist class. There is yet another class of offenders, who are sentenced to hard labour, and these are also treated under the general rules. For the first 28 days they are employed in strict separation on hard, bodily or manual labour. I am perfectly sensible of the fact that ordinary political prisoners who are accustomed to a lower standard of living and men with pervious convictions for offences involving moral turpitude, cannot be expected to get the same privileges and consideration as political prisoners accustomed to a higher standard of living.

I have hope in the future and I sincerely trust that there shall come a time at no distant date—a blessed time—a time which shall last for ever when the voice of controversy will be hushed and the tongue of calumny will speak no more.

I shall be sorry if I have said anything which is calculated to embitter feelings, to inflame passions or to poison the relations of the Government with the Indian population. While the question of a peaceful settlement is receiving serious attention in India, may we not in all sincerity and honesty join our voices in this Council in this resolution that a new page should be opened on which shall henceforth be inscribed the blessed message of sympathy and generosity?

As the modification of the rules, which Dr. Hassan Suhrawardy has advocated will necessarily take some time, I have thought it necessary to urge that in the meantime political prisoners should be placed on the same footing as European prisoners.

Rai MAHENDRA CHANDRA MITRA Bahadur: I have listened to the speeches of the several speakers. It is stated that the political prisoners were not treated as they ought to have been. Sir, I did not expect that statement. We notice, in the mufassal, too, the news flashed that the political prisoners did not get better treatment in the hands of the jail authorities, better accommodation and better food than they ought to have got. There has been discussion in the Council on the subject and we are glad that Dr. Suhrawardy has come forward to make some statements upon his own inspection of the jails. Is it not, therefore, desirable that Government should take immediate steps to provide all that the movers have asked for in this Council? They emphasised those facts and the question remains whether an inquiry should be made as to the facts which have been stated just now are correct or not. It was, however, refreshing to me to read a resolution of the Government in which we noticed that Government were prepared to take such steps for the political prisoners as had been suggested. I hope the matter should

not be left entirely to the jail authorities. The political prisoners of the *bhadralog* class should be treated according to their rank and position and if they are treated badly, it is a matter of deep regret not only to the members of this Council but to the country at large. When I notice that the same views have been expressed in the several resolutions and when I find that all the members are bringing to the notice of the Council that Government should take steps, I feel it my duty to emphasise the fact and ask the Government and the Hon'ble Member Sir Abd-ur-Rahim to take immediate steps to see that everything is rightened. I deem it proper that all Indian and European political prisoners should be treated on the same level and that there ought not to be any difference here. I therefore do support the resolutions which have been so ably and emphatically moved.

Babu NALINI NATH ROY: I support the resolutions. We know and daily witness the fact that the world is moving rather fast. Even the poverty-laden people of India have been affected by this world movement. It is not that the ever-rising current of prices struck the shores of India but has brought along with it, the spirit of emancipation, the claim of brotherhood between man and man, that was preached by that apostle of humanity nineteen centuries back. The people of India have been struck by the world current of freedom for all: by a sense of nationa self-respect and self-determination. It is not good that we should treat these politically-minded men like ordinary prisoners. We should realise that the world current of self-determination has struck with such force as to upset the judgment of political offenders. It is also not a secret that their patience has been shaken by the sum total of the nation building that has been done by the Councils. Political prisoners are treated better by the other countries and why should we not follow them?

The Hon'ble Sir ABD-UR-RAHIM: Before dealing with question of law and other questions that have been raised, I would express my surprise at the speech made by Dr. Hassan Suhrawardy. He has not given a fair account of what has happened in this connection. It was at his request that I asked the Inspector-General of Prisons to give him permission to visit these jails as he was not a non-official visitor, and I did so in order to obtain information and his advice as to what should be done. The account he has given is as to what was happening or what he saw on the 21st December in the Alipore Jail. As a matter of fact the circular regarding the treatment of special prisoners was issued on the 31st December, and I think he ought to have verified that fact before saying that the instructions given in that circular were not being given effect to. With regard to the Kidderpore Jail, he knows very well that this is only a temporary jail; this jail has been improvised under the provisions of the Jail Code, owing to the influx of these political prisoners; it was not originally intended to be a jail, and there was naturally at first, difficulty in making proper arrangements. I think Dr. Hassan

Suhrawardy ought to have known, and I believe knows full well, that the Government and the jail authorities are making every effort to improve the accommodation and sanitary arrangements and to see that the prisoners get proper food; he knows very well that the prisoners themselves are creating no end of difficulties in the way of making proper arrangements. If he had stated these facts correctly, I would have been satisfied; as a matter of fact, very considerable arrangements have been made by the jail authorities with regard to this temporary jail, and they are still making further improvements on the suggestion of the medical authorities.

I shall tell the House how these political prisoners themselves have been creating difficulties in the jails. In the Kidderpore Jail, at one time, there were about 1,000 prisoners, and when I visited that jail in company with Sir Asutosh Chaudhuri, I was told by the jail officials in the presence of these prisoners that there were as many as 40 of them who knew how to cook; the jail officials asked them to cook for themselves and for other prisoners, and they refused to do so. This created all sorts of difficulties and the result was undoubtedly delay in cooking and distribution of food. Were it not for the difficulties created in the way of the jail officials by these prisoners themselves, there would have been very little inconvenience in regard to the jail management. The conduct of many of these non-co-operation prisoners has been greatly embarrassing to the jail officials. As a matter of fact, they are trying their very best, at any rate they were, at the beginning, to make the management of this jail impossible. I myself, when I had been round these jails have heard them shouting *Bande Mataram* and *Gandhi Maharaj ki jai*. You can imagine what is the effect of that on the ordinary criminals. They will not even observe any kind of order. When asked to sit down for meals, they will not obey the order of the jail officials, and the result is that at the time of the distribution of meals, there is considerable confusion.

As regards accommodation, the jails were not built to meet the needs of this sudden influx of the non-co-operation prisoners. So far as the Jail Department is concerned, it has nothing to do with the arrests made; these arrests are made on account of the violation of the laws in force, and hundreds of men have been put in with the result that the jails—especially Alipore and Presidency—have been crowded to overflowing and the temporary jail has been resorted to in order to accommodate this overflow. It is impossible, in these circumstances, to give separate cells to each of these political prisoners. With the best of intentions on the part of Government to carry out proper arrangements, it is impossible for the Government to put up building at a moment's notice to accommodate so many persons, but what we have done from the very beginning is that we have separated these political prisoners from the ordinary prisoners; we have put them in separate wards, wherever possible, and it would not be correct to

say that these prisoners have been mixed up with ordinary criminals. To that extent the demand that they should be given separate accommodation is satisfied. As regards some of these non-co-operation prisoners they have been given separate cells and are treated in the same way as those who are called " European prisoners." As for the class called European prisoners, I must point out to the Council that there is a great deal of misunderstanding. The word " European " is undoubtedly used in the code as a matter of classification. You will find it defined as: " Europeans, Eurasians and every other person (whether a native of India or not) whose habits and manner of living, in the opinion of the Superintendent, more nearly approach those of the European than those of the ordinary native of India, shall be classed as European prisoners." So Indians also are included in that category; this classification is made according to the habits and mode of living of the prisoners. The rules that have been issued by this Government relating to " special class prisoners " were intended to be an extension of the rule relating to these so-called European prisoners, to Indian prisoners whose habits and mode of living do not approach those of the European, but who live in their own orthodox way and at the same time whose mode of living is very different from those of the ordinary Indian prisoners; Government consider that if this extension of the rule could be carried out, and they are being carried out, in spite of the opposition and difficulties put in the way of the jail officials by these prisoners themselves, they would afford considerable relief to these non-co-operation prisoners.

I think it is well known to Dr. Hassan Suhrawardy and others who have been to these jails, that there are many prisoners who refuse to come under this category, and who would not come under either the classification regarding European prisoners or the extension of that under the new rules regarding special class prisoners. They say " no, we do not want any different treatment from other prisoners." Their demand is that not only they themselves should be treated specially according to these new rules, but that all other non-co-operation prisoners in these jails should be treated in the same way. I ask the House is that a proper demand? Is that a demand which the Government can yield to as a reasonable demand? I have been informed that in the jails all over the province, many of these gentlemen have refused to take advantage of these rules. In the circumstances, what can anybody do to men like these? If they will not take advantage of these rules, and if they refuse to be treated as " special class prisoners, " they are liable to be treated like ordinary prisoners; so I do not think it is fair to put the entire blame on the Government; Government is not to blame in this matter; if the prisoners do not like special treatment, it is entirely their fault.

Now I shall deal with the requests made in these resolutions which contain a good deal of misunderstanding regarding first class misdemeanants. If it is the desire of the Council that the so-called political prisoners have to be treated as first class misdemeanants, then there ought to

be a definition of " political prisoners " to begin with. This Government has very carefully considered this matter, and we have also got the pronouncement of the Jails Committee on this point. Government find that it is very difficult to define any crime by motives. There are crimes committed in this province,—dacoity, murder and so on—in the name of patriotism, in the name of political advancement of the country. Is it to be desired, does this House desire, that these persons should be treated as political prisoners, although they are guilty of the offence of murder or dacoity? (A voice: " Nobody said that. ") If it is not so, I should like to know how these prisoners are to be defined. I have not seen any definition of political prisoner in Indian law, and the English law does not attempt to lay down any such definition. The English Prisons Act does not treat political prisoners differently from other prisoners. The Prisons Act of 1898, which is the latest Act, divides offenders into three divisions, that is, offenders who are not sentenced to penal servitude or hard labour—1st, 2nd and 3rd, and it is entirely left to the courts to order any particular offender to be treated as an offender in the 1st, 2nd or 3rd division. If you want to classify the offenders according to the nature of the offence, that is a function of the legislature and cannot be done by means of mere rules in the Jail Code, and there has to be a modification of the law. If you want to proceed on the analogy of the English law, then the legislature has to be moved to enact a law in the terms of the Prisons Act of 1898; that cannot be done by this Government; it has to be done by the Government of India, because under the rules and under the constitution, legislation affecting the criminal law of the land, is the province of the Government of India, and not of the Bengal Government. Now, there is another difficulty; if a law like that is passed, then the classification of the criminals or prisoners according to the nature of the offence, has to be left to the courts; it is the courts that can make the classification as is done under the English Prisons Act. The Bengal Government cannot merely by means of rules classify prisoners according to the English Act, there being no authority under which they can do that. To deal with this unforeseen emergency, if we had to resort to legislation, it would take considerable time, and I think the position of the Government in this matter ought to be fully appreciated; they did the best they could under the circumstances by means of rules; what it has done by these rules is to apply the principle furnished by the Jail Code in the treatment of European prisoners in respect of food, accommodation, clothing and other matters. These rules are perfectly clear, and though we do not profess to provide comforts, I think that treated according to these rules, it cannot be said that any of these prisoners would be subjected to any undue hardship of any kind; you cannot justly reproach the Government as we have in fact made provision of a fairly generous character. If you will look at the scale of dietary which we have drawn up, a scale which in cost varies between eight anpas and one rupee for each prisoner, you will admit that it is quite sufficient. As

regards clothing, we have provided that special clothing is to be provided for prisoners of this special class, and in the absence of special clothing they may be allowed to retain their own clothes; and that is exactly what has happened as most of them have been allowed to retain their own clothes. As regards bedding, under the rules we allow them to bring their own bedding, subject of course to the supervision of the jail authorities who will see that it is properly disinfected; we cannot allow them to bring in infection.

As regards interviews, we have allowed them interviews once a month instead of once in three months according to the ordinary rule; we have allowed a similar privilege in regard to the writing of letters. This is a considerable concession. It has been stated that in Bihar they are allowed interviews and visits from friends and the writing of letters once a week. I do not know what are the conditions in their jails; I doubt whether they have got as many thousand prisoners as we have. If we were to allow interviews and writing of letters once a week to the number of prisoners that we have, we will have to double and re-double our staff in order to exercise proper supervision. We cannot do this, and we do not also think it is right to allow too frequent communication between prisoners and the outside world. It is undesirable in any case, and I do not think it can be less undesirable in the case of these prisoners. If we had to supervise interviews and the writing of letters once a week in the case of thousands of these prisoners, surely you will require a very considerable addition to the jail establishment. It may be possible in the case of a small number to allow these privileges more frequently than we have done. As a matter of fact, I discussed this matter very carefully with the Inspector-General of Prisons who pointed out the difficulty. I saw that the difficulty was real, but at the same time, wherever it is possible, we have allowed the Superintendent a discretion to permit more frequent interviews and more frequent writing of letters.

Complaint has been made that we have left too much to the discretion of the Superintendents. Under the circumstances we had to leave matters greatly to the discretion of the Superintendents, and we have no reason to think, so far as I know, that any serious complaint has been received that the Superintendents have not exercised their discretion properly.

The attention of this House has been drawn to the Bihar rules; according to that rule prisoners sentenced to rigorous imprisonment have been treated as prisoners sentenced to simple imprisonment. I have not received any official communication on this point, and I cannot say how far it is correct, but I do fail to see how the Bihar Government would ask the jail authorities to treat men who have been sentenced to rigorous imprisonment as if they were sentenced to simple imprisonment. That would be over-riding the sentence of the court, and I can hardly believe that it has been done by the Bihar Government; at any rate I

would not be justified as a Member of this Government, to promulgate such a circular as suggested. I have only got a copy of a newspaper report and I do not know how far it is correct. I do not see how it would be possible for this Government to treat men sentenced to rigorous imprisonment as if they were sentenced to simple imprisonment.

It has been pointed out also that according to the Bihar circular, food is allowed to be brought from outside. I put it to the House that this is a most risky arrangement, especially in a jail establishment where there are a very large number of prisoners. Take the Kidderpore Jail, for instance; some of the members have been there to see how things are going on; would it be safe for the prisoners themselves that food should be allowed to be brought in from outside? At times there have been 1,000 prisoners—never less than 500—in this temporary jail. What would be the position, if everybody be allowed to bring in food from outside? What danger there might not be of unwholesome food being brought in? The result would be diseases of all kinds. Whatever may be said regarding the administration of jails in Bengal, as regards some of the matters which have been pointed out by the Jails Committee, it must be admitted that so far as sanitation and looking after the health of the prisoners is concerned, its record is extremely creditable. Everybody who has been to visit one of these jails, will admit that in point of sanitation, nothing was left to be desired and the mortality in the jails in Bengal has been kept very low. This is partly the result of the strict care taken by the medical authorities to see that the food supplied is wholesome. Now I would say, as the Member in charge of the Jails Department, that it would not be desirable, even if practicable, to allow prisoners to get their food from outside. In the case of so many prisoners, look at the supervision that has to be exercised if food is to be allowed to come in from outside; it is impossible to expect the jail officials to supervise all the food that is brought in. On the other hand, we have offered them good wholesome food and we do not charge them anything for it. So I think in that respect as well no case has been made out. These rules, as I have pointed out to the House, have been drawn up to meet an emergency; they are of a temporary character and the broader question has yet to be settled. That question is as to the treatment of a certain class of prisoners who have been convicted of offences which do not involve dishonesty or indecency or cruelty or serious violence; it is the subject of correspondence with the Government of India, and I am not therefore in a position to state to this House how the question is going to be decided, but I have pointed out already that there will be difficulty in having any special legislation regarding political prisoners alone. If there is to be a special legislation probably it will be on the lines of creating an intermediate class of imprisonment, that is to say, imprisonment which is neither purely simple nor rigorous. In the English law there are five kinds of imprisonment. The first is penal servitude which is the severest; the next the sentence of

hard labour which comes next in severity; then there is imprisonment for offenders of the three divisions I have already mentioned. Here we have at present only two classes, rigorous and simple. It is quite possible that this does not meet the requirements of all the cases, and, therefore, it is a question whether a new class of simple imprisonment with light labour should not be devised. This is an important question which is still under the consideration of the Government, and if it is created by statute, that form of imprisonment might be suitable for the case of this class of men who are convicted of offences under section 124A or 153A or for violation of notifications like these, but the question as to what particular class this particular offender should be placed in must be left to the decision of the court. Courts of law can judge from the circumstances of each case what sentence ought to be suffered by each offender, and if such an enactment is passed, it may be that the questions raised by the members of this House will be fully met. In the meantime, I must point out that the proposition before the House is too wide and I am unable, on behalf of Government, to accept it in the present circumstances.

Now the idea of all these resolutions is that all persons who are political prisoners should be treated like first class misdemeanants in England. I have already pointed out that as a matter of fact we have got no definition of political offenders and it is not easy to give such a definition. Then there is also a resolution that all political prisoners or persons who have been convicted under the Criminal Law Amendment Act or the Seditious Meetings Act or sections 124A and 153A of the Indian Penal Code should be brought under the new rules relating to special class of prisoners. As regards that I am not able to agree to these suggestions. These rules have been framed in order to see that persons who are accustomed to a certain mode of living do not suffer unnecessary hardship while in jail. Now, I do not see why persons like the mill-hands, a very large number of whom were found at one time in the Kidderpore Jail and who really cannot by any stretch of language be properly called political prisoners, should be treated better than other prisoners of their class. A political prisoner means a man who for the sake of his political convictions is prepared to undergo all the inconveniences and hardships of jail life for violating the law, because he wants certain measures of the Government to be altered or wants a change in the Government. Can it be said with respect to many of these mill-hands, including a number of ordinary ex-convicts and such other people that they have any sort of political conviction? Is it not a fact that many of them are mere hirelings who are paid eight annas or a rupee a day in order to court imprisonment by calling themselves volunteers? This is a well-known fact, and I think, Rai Radha Charan Pal Bahadur will corroborate me when I say, that quite a number of these men did not even like to leave the jail when they were ordered to be released. I myself saw that when I wanted to release some of the younger boys

that were there, that is, I wanted to deal with their cases with a view to seeing if I could not release them, and with that object spoke to some of them, they were not allowed by the other prisoners most of whom were mill-hands to come to me. They were smuggled in the crowd and kept back. We have been revising the sentence of many of these prisoners and we have ordered the release of those in whose cases the sentences have been too severe or who have repented of their acts. I know that several hundreds of them have refused to give their names so that they might not be released or they gave false names to mislead the jail officers. These are the difficulties which the jail officers have been experiencing.

Sir ASUTOSH CHAUDHURI: Some complaints were brought to my notice one evening and I at once went to our Law Member and asked him for help in the matter. Help was kindly promised, and in fact the next morning he went with me to the jail that had been mentioned. We found there no doubt grounds for complaint—very serious grounds—but I must say at once that the Hon'ble the Law Member did his very best. He was actuated by the keenest desire to do his very best for the men who were there there. Things had, however, become difficult because of the large number of arrested persons, because of want of accommodation and supervision and also because of the conduct of a very large number of people arrested who were there. I went there in the belief that I would come across a very large number of young students; but I found that the students were in a minority, but the other class mentioned by the Law Member were in the majority. In fact, when the Law Member said that he was prepared to release a large number of these people if they wanted to go away, several of them refused. I remember one plaintive father saying: "Will you kindly induce my boy to come with me?" So I spoke to the Law Member and he sent for this young man and tried his best through the father to induce him to go away. I do not know if he eventually succeeded in doing so. I know that several of these people preferred to remain in the jail. I also heard afterwards that when names were called out they were not responded to and when these people were asked their names they gave false names. But I quite agree that several of these people ought to be treated differently from ordinary criminals. ("Hear, hear.") I think, they ought to be treated with kindness and consideration and treated as befits their station in life. They are, or at any rate several of them are not criminals and therefore the principle of treatment enunciated in these resolutions ought to be accepted and in that view I support them. I know that a great deal has been done by the authorities. I am sure they will continue to do their best and I hope that credit will be given to them for what they have done. Having regard to the object of the resolutions I think they ought to be accepted ("Hear, hear.")

Dr. A. SUHRAWARDY: I had no desire to intervene in the debate to-night, but I rise to speak because the illuminating speech of the

Hon'ble Member in charge of Jails has dispelled the darkness of my ignorance. I must confess that I have been labouring under a misapprehension and that I was ignorant of the fact that it was Sir Abd-ur-Rahim who was the Hon'ble Member in charge of Jails and that, to a certain extent, he was responsible for the harsh conditions prevailing in the jails with reference to political prisoners—conditions which, if they prevailed in any part of the dominions of other nations say, in Turkey—would have been characterised as barbarous, scandalous and inhuman. I was under the impression that the Hon'ble Member in charge of Jails was a Member of the heaven-born service, a sun-dried bureaucrat, but I stand corrected and as I have said the darkness of my ignorance has been dispelled. The Hon'ble Member in charge of Jails is not a member of the Civil Service, not a sun-dried bureaucrat, but is the *ex*-Chief Justice of the Madras High Court.

The Hon'ble Member in charge has referred to the permission given by him to Dr. Hassan Suhrawardy to visit the Alipore Central Jail because the latter does not happen to be a non-official or official visitor of the jails. I do not know what his feelings are to-day as to the wisdom of his granting that permission to Dr. Hassan Suhrawardy. I do not know what he thinks of the ingratitude of Dr. Hassan Suhrawardy who refuses to see things as the Hon'ble Member would like him to see. But so far as I am concerned, as I happen to be a non-official member of the visiting committee of the Alipore Central Jail, I do not think that I have to acknowledge any obligation to the Hon'ble Member for that honour. I have no hesitation in adding my own testimony to the conditions which prevail in that jail, condition of the food, of the lodgment, the condition of the furniture; and in fact, generally speaking, as I have said, conditions which, I have no hesitation in describing or characterising as barbarous, scandalous and disgraceful with reference to political prisoners. The Hon'ble Member has referred to the inspection note of Dr. Hassan Suhrawardy of the 31st or 21st December—I do not know the exact date—and the Hon'ble Member has proudly told the House that on the 30th December he passed certain orders, but as to his work, "he ought to know and I think he does know everything about that." I think Dr. Hassan Suhrawardy is competent to reply to the insinuations made by the Hon'ble Member. But what I do know, Sir, is that on the 22nd or 23rd December, our very kind and sympathetic Governor, His Excellency Lord Ronaldshay, passed certain orders in order to mitigate the hardships and rigours of jail life with reference to political prisoners. That is all I know about that matter and if we have to be grateful to anybody, we must express our gratitude to His Excellency the Governor of Bengal, although I admit, the credit must also belong to the gentleman who is in charge of the Jail portfolio.

The Hon'ble Member in charge has also referred to certain visits which he paid to the jail and also to the conduct of the prisoners who shouted the cries of *Bande Mataram* and *Mahatma Gandhi-ki-jai*. I do

not know whether he refers to the visit to the Alipore Central Jail, which he paid on his way to a Garden Party when he simply looked at the prison walls and was well satisfied and never entered the place at all where the political prisoners were lodged, and I do not know whether if he had heard the cries of *Bande Mataram* and *Mahatma Gandhi-ki-jai* he would also have felt inclined to pass similar orders on the recalcitrant prisoners as was done by certain officials elsewhere for the prisoners refusing to bow and salaam them.

The Hon'ble Member has said that the fault is the fault of the prisoners. I cannot understand his logic and his argument and he seems to be labouring under a confusion of ideas. He seems to think that the prisoners are recalcitrant, because they refuse to give their names, because they refuse to leave the jails when their sentences are revised. As we all know, these rigorous sentences are passed by magistrates who are brought up under the tradition of no conviction and no promotion. If some students refused to be released that is no reason that they should be treated like ordinary criminals in jails.

Then the Hon'ble Member also says that by no stretch of language can mill-hands be called political prisoners. Well, Sir, I cannot understand the logic of that either. If a mill-hand or an ordinary labourer is sent to jail and because he shouts *Bande Mataram* or *Mahatma Gandhi-ki jai*, or if he happens to be a member of the volunteer corps, which has been declared to be illegal, should he be treated as a murderer, a thief or a cut-throat? I mean by political prisoners those who are convicted under the Seditious Meetings Act, the Criminal Law Amendment Act and some sections of the Indian Penal Code, which are now in force. And those are the sort of people who are sent by hundreds and thousands to the jail. If they cannot by any stretch of language be called political prisoners, I do not know by what stretch of language a Negro, a Japanese, a Chinese can be called a European. I should like the Hon'ble Sir Abd-ur-Rahim to answer that question. By what stretch of imagination every race under the sun, except an Indian, is a European. I know that according to political geography certain parts of Asia are included in Europe, but I do not know under what definition of the Jail Code the Japanese, the Negro, the Chinese and everyone is a European, except an Indian. And Indians of what class? Indians like our Deshbandhu Chitta Ranjan Das, who adorns the profession to which the Hon'ble Member belonged, Maulana Abul Kalam Azad, Akram Khan, Badsha Mian and Maulana Wajid Ali Panni who profess the same faith as the Hon'ble Member himself. If these gentlemen are not political prisoners, I do not understand how a Japanese can be a European.

I do not wish to take up any more time of the Council, as I think no arguments are necessary to meet the futile arguments of the Hon'ble Member in charge, but his arguments remind me of the case of the

General of Siraj-ud-dowla who, when charged with the massacre of the Black Hole, said:—

I never imagined that we would be able to defeat the British. I never anticipated that we would take any English prisoners. I never expected that they would be so many. I, therefore, made no arrangements as to prison. I put them in their own prison. I do not know the dimensions of that prison. If anything untoward happened it is the British who are to be blamed.

That is the sort of defence put up by the Hon'ble Sir Abd-ur-Rahim, the *ex*-Chief Justice of Madras who leapt into fame, by signing a note of dissent.

At this stage the Council was adjourned for 15 minutes.

After the adjournment.

Babu SURENDRA NATH MALLIK: I find that some of my friends have proposed that these political prisoners should be treated as first class misdemeanants in England. I have never been in England and I do not know how first class misdemeanants are treated. Then I find that some of my friends have said that they should be treated in the same way as European prisoners. I do not see how this could be done when it is seen that Europeans and Indians are not treated alike. I do not know why in the eyes of the Government, a mere conviction would enhance their value so much that they would be treated equally. I do not think that there is much force in that. But I do believe that these prisoners should be better treated.

Through the courtesy and kindness of the Hon'ble Sir Abd-ur-Rahim I went to see the Kidderpore Jail on the 16th of January last; it was in fact he who sent me there. I asked him about the matter and he was kind enough to let me go and see how matters stood and what should be done. I am free to admit that I brought to his notice the grievances, many of which he was pleased to remove as best he could and certainly the prisoners are thankful to him. There cannot be any question about that. When I went round there, I saw that there were certain things, over which even the Hon'ble Member cannot possibly have any control. I saw the food that was given to the prisoners and I tasted that food myself in the presence of the prisoners and of the jail officials. The rice was bad but the *dal* was absolutely execrable. I have got samples of the rice and of the *dal* which were given to me by the jail officials as soon as they received the things from the Presidency Jail. I would ask any member of this Council, be he a European or an Anglo-Indian, or an Indian to see if this is fit even for cattle. (A voice: "Pass it on to the Hon'ble Member in charge.") I therefore think that there is considerable room for improvement. I would ask any member to come and see for himself if this rice or *dal* can be given to any man to eat. I do not think that political prisoners have a right or they can claim as a matter of right better treatment from the Government; but I claim that they have a right to humane treatment, to ordinary good treatment and not bad

treatment as the result of vindictiveness. If the Government persists in giving these things to these men, then, I suppose, they cannot defend themselves from the charge of vindictiveness; I do not like that Government should have that charge to meet.

Then, as regards the Kidderpore Jail of which I am talking at the present moment—I will come to other jails a little later—the question I put is this; I quite realise that a large number of prisoners have to be huddled into a place which was never meant for a jail at all. The difficulty is there and I quite realise it. But all the same the cruelty is there also and that has to be faced. That is as regards accommodation.

Then, comes the question of treatment. I must say that I have not had many complaints of bad treatment in the Kidderpore Jail. But complaints of bad treatment reached me from Faridpur through my friend Dr. Moitra and from Barisal through my esteemed friend Babu Aswini Kumar Dutta and other persons, who also came to me and gave me information of bad treatment. Now, coming to the question of treatment, I have already said that there was no complaint of any particular bad treatment in the Kidderpore Jail, but there were some complaints which anyone can pass off without taking serious notice.

With regard to treatment in mufassal jails, I have before me information vouchsafed to me by very reliable persons—persons whose information I always regard and on whose information I can always act—namely, that in the Barisal Jail, a graduate, a teacher, I believe, who is a double M. A., was got hold of by the ears and made to stand and sit 30 times simply because he was reading a book which the jail officers did not like. This is humiliation, this is vindictiveness. I would draw Sir Abd-ur-Rahim's special attention to a matter like this. I believe I brought this matter to his notice about a fortnight ago.

Now let us take the case of the Faridpur Jail. Dr. Moitra bears witness to all he saw and heard there—how respectable men were dragged out from their cells, how they were made naked in the presence of other prisoners and flogged severely. This is certainly inhuman treatment. I do not believe in treating them as European prisoners, but I say that in all fairness and in the name of humanity you ought not to do these things. I believe Sir Abd-ur-Rahim set his face against all these things when he was getting these informations. Men were handcuffed not only during the day but even in the night, as a result of which they could not sleep for several nights. They were handcuffed for two or three days together. Is this good treatment? Is this the treatment which the Government has a right to be proud of? Would not any member of the Government, if he is not partial, admit that it smacks very badly of vindictiveness, which ought not to be there. These people are suffering in jail, not because they are dishonest, but because they hold a particular opinion, which in my opinion may be wrong, but in theirs quite right. I say that from the point of view of Government, it

ought to be impossible that these charges should be laid against them so far as the jail administration is concerned. I know there is a Jail Code and under that, the jail authorities have large powers. But if you take refuge under that, you easily lay yourself to the charge of vindictiveness by such treatment as beating, insulting, humiliating and battering out of these poor prisoners the spirit that is yet in them so far as the love of their country is concerned.

Now I come to some of the inconveniences which ought to be removed. I have not been to jail except as a visitor; I was a visitor for a year, but I do not know if I shall have to go there afterwards in a different capacity. I brought some of these to the notice of Sir Abd-ur-Rahim; and I am sure that many of them have been met by this time, as was expected of him. Most of these people are used to the habit of rubbing a little mustard oil before taking their bath. (A voice: "Why not soap?") Soap is a big question. You *sahebloks* require soap, but a little oil is enough for these people. Then, I think these people ought to be given the service of a barber at least once a week. I told the Jailor to arrange for that. I do not know if a barber is kept there, but if it is not possible to give them the services of a barber once a week, they should at least be given a fortnight; otherwise you can very well imagine what the condition of these people will be after a month and a half. I draw the attention of the Hon'ble Member to this and I hope something has been done in this direction.

Then comes the question of accommodation. The position will be very serious after a couple of months. I have heard that you are going to spend Rs. 2 lakhs for a new jail two miles away from the workshop at Kanchrapara. The water-supply would be very difficult there, I tell you Sir Abd-ur-Rahim——

MEMBER in charge of LEGISLATIVE DEPARTMENT (the Hon'ble Sir Henry Wheeler): May I rise to a point of order? Is the member entitled to address another member personally?

The DEPUTY-PRESIDENT: Mr. Mallik should not address another member personally.

Babu SURENDRA NATH MALLIK: I am very sorry for that and I am more sorry that the Hon'ble Sir Henry Wheeler should have interrupted me like that. However, I draw the attention of the Hon'ble Sir Abd-ur-Rahim to this fact that an allowance of three gallons per prisoner is wonderfully short and there will be considerable difficulty afterwards. We, in the Corporation, are giving at least 25 gallons per head and still we are cursed for it. I beg to give him, through you, a warning in time that this will not do. Therefore, I respectfully submit that unless these little things are taken care of, unless these sorts of things (*chal* and *dal*) are improved, you cannot be sure that these people will not suffer. I saw eight cases of dysentery in the jail when I went there.

The prisoners told me that they were suffering from dysentery, and I, as a Bengali, know how we suffer from dysentery for days together. The doctor gave them a better quality of rice, but this is bad still and I have got a sample of it here. This is, of course, better than the other quality. Therefore, I think that these things ought to be taken notice of. I do not claim anything that is absolutely out of the question that they must live in European style. Treat them as human beings, that is all I want. Do not humiliate them, do not beat them, do not batter them; let them have some good food, that is quite enough.

Sir Abd-ur-Rahim was wrongly informed that in the Kidderpore Jail almost all the prisoners were mill-hands. I can assure him that it is not so. I have been personally there and I found highly educated men there. Some of these persons wanted some books to read. I do not claim anything for luxury, or for tender care. Treat them as men—if not as brother men, at least a little less than that; give them food on which they can live, not food like this (shows). They have gone there to suffer and why should I expect a higher standard of living for them. All I want is good food—wholesome food and sanitary accommodation. My friend Dr. Suhrawardy has also been to the jail and I am sure he must have noticed these things. For want of accommodation the cells have been arranged one above the other. This arrangement is not only unhealthy, but quite dangerous. There is every likelihood of a man sleeping at night falling down and breaking his head.

All I want is this. Give them ordinary wholesome food, give them ordinary treatment—not brutal humiliating treatment, and I have got nothing to complain. I do not expect that they should be treated as sons-in-law. Give them ordinary treatment, ordinary sanitary accommodation, that is all.

Rai RADHA CHARAN PAL Bahadur: I have only a few words to say in reply. In the first place, I think the Hon'ble Sir Abd-ur-Rahim is fully convinced of the depth of feeling that has been aroused by the ill-treatment of political prisoners in jails. The eight resolutions that have been moved and the speeches that have been made, amply testify to the necessity of some reforms in that direction. I do not want to traverse all the arguments that have been adduced, but one point I should like to emphasise is this that the Hon'ble Member did not know how the Bihar Government could pass an order to the effect that all rigorous imprisonments should be so treated as if they were simple imprisonments, and the prisoners also dealt with accordingly. Well, I have read from the orders of the Bihar Government—the orders issued under the authority of the Government to the Inspector-General of Prisons and by the Inspector-General of Prisons to the Superintendent of Jails. They show clearly and conclusively that all persons sentenced to rigorous imprisonment under the Criminal Law Amendment Act shall be deemed to have been sentenced to suffer simple imprisonment and they will be entitled to such

treatment as is enjoined in the orders issued to the Jail Superintendents. I do not know why we should lag behind the Bihar Government. Rather we should take the lead.

As regards the differential treatment of political prisoners, that is to say, the preferential treatment of those who occupy a higher status in society as against those occupying a comparatively lower station, I find that the Bihar Government have not made any distinction at all. It is quite natural that those who are suffering for the cause of the country, however misguided they may be, cannot dissociate themselves from one another because of difference in social position. They will naturally demand that their compatriots, whoever they may be, should be given the same food. That is a feeling which you ought to respect. Having regard to the fact that the Bihar Government have not laid down any such distinction, I do not understand why the Hon'ble Member should feel any difficulty in following the example of the sister province. I quite appreciate his endeavours to improve the condition of the prisoners and I deprecate any personal reflection; further I do not in the least impute any unworthy motive to him, yet at the same time, I must say that he has been very ill-served by his subordinates. This is the impression created in the mind of everyone, who has visited the jail, that the man at the top cannot control or direct the vagaries of the underlings. Yet how are we to tackle this question unless we do approach him?

I has been stated already that these prisoners are allowed to interview their friends and relations once a month. The orders of the Bengal Government are that interviews and exchange of letters will be permitted once a month, while in Bihar these are allowed once a week. The Hon'ble Member says that once you permit more frequent correspondence and interviews, it will be impossible to control the correspondence and the visitors. I submit when the Bihar Government have been able to control the business, why should not the Bengal Government be able to do the same? I do not know if the number of prisoners is less there, but they say that Bihar is the stronghold of non-co-operation. So, if the number is less, that shows that the Bihar Government do not want to house the whole population within the jail premises. But even if the number is more here, adequate arrangements should be made and no differential treatment should be introduced.

As regards the food, it has been stated and it has been amply proved to the satisfaction of the Hon'ble Member, let me hope, that the food supply is far from satisfactory. It depends on the supply furnished by the contractors and the contractors are the same everywhere. I think, therefore, that some arrangements should be made by which the prisoners, if they so desire, can arrange to have their food supplied from their homes. If it is argued that there can be no adequate medical inspection, some additional staff may be employed and the cost thus incurred will be made up by the savings in the matter of the dialary.

On the whole what we insist on being done is that the general treatment of the prisoners should be at least on the same level as has been accorded or as is promised to be accorded in the notifications of the Bihar Government, and I believe,—comparing all the instructions that have been issued by the Bihar Government with the rules laid down in regard to the English system, that the Bihar Government orders generally follow the English Regulations, and it is distinctly laid down in the orders of the Bihar Government, that political prisoners should be shown every consideration and should be treated, as in Great Britain, as first class misdemeanants.

Dr. HASSAN SUHRAWARDY: May I rise to a point of explanation? The Hon'ble Member has referred in his speech to me as having suggested that the political prisoners should be treated as Europeans. What I said was that the diet expenses of the Indian prisoners should be the same as allowed to European prisoners. I did not suggest that they should be given chops and cutlets to eat but that the diet expenses should have the same limit as that allowed for European prisoners. Then as regards the dates on which I visited the Alipore Central Jail. I went there on the 21st December and the Kidderpore Jail twice in January. The Government *communiqué* was issued before my visits in January and I pointed out to Sir Abd-ur-Rahim that the orders contained in the *communiqué* had not been carried out and I suggested that if he cared to come with me either to the temporary or the permanent jails, I would show him the cases in which the orders had not been carried out.

The DEPUTY-PRESIDENT: That is a controversial matter and you cannot be allowed to make a second speech.

Dr. HASSAN SUHRAWARDY: As I am not given the right of reply, may I say that in my note which I sent direct to the Hon'ble Member I have generally drawn his attention to the several improvements which have been carried out since my visits and mentioned that some still remain to be done? I think this must be mentioned to the Council in fairness to the authorities.

The Hon'ble Sir ABD-UR-RAHIM: Babu Surendra Nath Mallik has mentioned the case of the Barisal Jail. It is alleged that the Superintendent, seeing one of the prisoners, a graduate, reading the *Geeta*, snatched away the book from him and made him stand up and sit down several times. There have been other similar allegations against the same Superintendent as regards the treatment of some other prisoners. When these allegations were made, the Superintendent in charge of that Jail, Major Munro, at once instituted a criminal complaint against the persons responsible for these allegations. I have got a copy of the judgment here, which is to the effect that these allegations were all false, and the men who made these allegations were convicted and sentenced to pay a fine of Rs. 500.

Babu SURENDRA NATH MALLIK: May I inquire by whom these men were convicted?

The Hon'ble Sir ABD-UR-RAHIM: They were convicted by a first class Magistrate, Mr. N. R. Banerji.

Babu SURENDRA NATH MALLIK: Hear, hear.

The Hon'ble Sir ABD-UR-RAHIM: It is no good making such sarcastic remarks. If the conviction is wrong—and I think that is Mr. Mallik's suggestion—there is the appellate court open, and I take it that until that judgment is not set aside, I am entitled to ask the House to treat it as a correct judgment. Here is the judgment—

> I find the accused guilty of an offence under section 500, I. P. C., convict him thereunder and sentence him to a fine of Rs. 500.

Then the finding is to this effect—

> Far from maltreating the prisoners, Major Munro had shown them special kindness by allowing them the use of the *Geeta* and other private books not forming part of the Jail Library which alone is accessible to prisoners under the Jail Rules The libel contained in mark 1 (that refers to the treatment alleged to be meted out to the graduate) was therefore not only untrue in many points but quite unjust to Major Munro whose reputation as a high official and a cultured gentleman has been seriously harmed by false and demeaning allegations of the nature pointed out in the nine items in the previous paragraph of my judgment. Improper and false allegations of this nature against a high Government official of the position of Major Munro in the execution of his public duty are strongly condemnable from a public point of view also, as it tends to lower the credit of Government in the eyes of the public. A deterrent sentence is therefore desirable.

So far as that case is concerned, I think this will satisfy the House.

As regards the treatment of several political prisoners in the Faridpur Jail, directly the matter was mentioned in the papers, I took steps to find out what were the actual facts and what led to the punishments being inflicted. This matter is still under the consideration of Government and, therefore, I cannot now say anything more than this, that it is receiving our careful consideration. I can also tell the House that Government do not think that it is desirable that punishments like flogging should be inflicted on any political prisoner except in extreme cases of necessity and that it is also desirable that the sanction of Government should be obtained beforehand. So I take it that so far as the Faridpur Jail incidents are concerned, the House will agree with me that everything is being done by the Government that is possible in the circumstances to investigate the matter. In fairness to the District Magistrate, who was responsible for the infliction of these punishments, I ought to tell the House that his case was—and we published the facts in the *communiqué* immediately after the incident—that he and the Superintendent both found it impossible to enforce discipline amongst those prisoners. On the morning of the 24th, they went to the jail and asked each one of the prisoners if he would obey the rules of the Jail Code, but this all of them refused to do. He gave them every opportunity to comply with the jail rules,

but when they refused to do so, he thought that punishments ought to be inflicted in order to make them amenable to discipline. It is to be pointed out also that in that jail and in other jails, there are ordinary criminal prisoners of a desperate character, and unless discipline is maintained, it may have a very bad effect on those prisoners. These facts were fully stated in the Government *communiqué*, but the matter is still under investigation.

As regards the Kidderpore Jail, I wish Babu Surendra Nath Mallik had shown me the samples he has brought. I independently sent for samples which are still in my house. I have examined the samples myself, they are not at all bad, in fact they look perfectly wholesome, and if the prisoners are given food of that class, there can be no ground for complaint. The difficulty I find is this. I have seen the food myself and I have found it all right. Others do not find it to be the same. There is Sir Asutosh Chaudhuri. He also saw the provisions and he was satisfied. It will perhaps be said that because I went there everything was all right.

Mr. D. C. GHOSE: Did the Hon'ble Member pay a surprise visit?

The Hon'ble Sir ABD-UR-RAHIM: I cannot say it was a surprise visit; but it was not notified in the usual way. Sir Asutosh Chaudhuri came to me one morning and I went with him and Mr. Hopkyns to the jail. If it was not a surprise visit, at any rate I do not think they had a long notice of it. It may be a 2 or 3 hours' notice. It must be admitted that the Kidderpore Jail is a temporary arrangement and the regulations cannot be carried out in the same way as in ordinary jails. But the law does provide for the setting up of temporary jails if there is overcrowding in other jails. There have been very considerable improvements and further improvements are being made very fast. As regards the sanitary condition of the jails, the matter is receiving careful consideration of Government. This much I can assure the House. We are trying to get reports from sanitary authorities who are competent to report on subjects like these. We are investigating the question as to what can be done to improve the jail. I cannot yet say what will be the result of that investigation.

Then as regards the remarks of Dr. A. Suhrawardy, I leave it to the sense of the House to say whether they were not inspired by personal malice.

Dr. A. SUHRAWARDY: I protest against this remark. What is the personal malice?

The Hon'ble Sir ABD-UR-RAHIM: That gentleman had the audacity to tell this House that he did not know who was in charge of the Jail Department. I ask the House to say if they are prepared to believe that statement. Then he also suggested that as regards the special rules, the credit ought not to be given to the Member in charge

but to His Excellency. So far as I am concerned, I say that the credit for the good administration of Bengal is undoubtedly due to His Excellency in every Department. But if he meant to suggest that he knew—at any rate that is the suggestion which he conveyed to other persons—that these rules were framed against my opinion and at the instance of some other persons, I can tell him that that is not a true statement and that he has tried to make a deliberate mis-statement.

Dr. A. SUHRAWARDY: I rise to a point of order. The Hon'ble Member has no right to say that it is a deliberate mis-statement.

The DEPUTY-PRESIDENT: Order! Order! The Hon'ble Member is entitled to be heard in silence.

Dr. A. SUHRAWARDY: That is a deliberate lie.

The DEPUTY-PRESIDENT: Order! Order! You should withdraw that remark.

Dr. A. SUHRAWARDY: I will not withdraw the remark. I would rather withdraw from the House. (Here Dr. Suhrawardy left the Council Chamber.)

The Hon'ble Sir ABD-UR-RAHIM: That gentleman who is now running away suggested that the condition of the jails was like the Black Hole tragedy. I can only attribute this to a disordered imagination. I do not wish to say anything more. If it is not deliberately false, it is due to a disordered imagination.

Babu SURENDRA NATH MALLIK: May I rise to a point of explanation? The difference between the Hon'ble Member's samples and my samples is due to the fact that he sent for those samples, while I went there and took the samples from the jail. (Laughter.)

The DEPUTY-PRESIDENT: I will now put the following resolution of Rai Radha Charan Pal Bahadur to vote:—

"This Council recommends to the Government that all persons convicted and sentenced to suffer terms of imprisonment for offences of a political character such as are embraced by sections 124A and 153A of the Indian Penal Code, and section 17, sub-sections (*1*) and (*2*) of the Indian Criminal Law (Amendment) Act, 1908 (XIV of 1908), and under the Prevention of Seditious Meetings Act, 1911 (X of 1911), be treated as first class misdemeanants as in England."

The resolution was put and agreed to.

The DEPUTY-PRESIDENT: The resolution just carried is a comprehensive resolution, and I think it covers all the other kindred resolutions. I do not know whether I should put to vote the motion of Dr. Hassan Suhrawardy as amended by Mr. Tarit Bhusan Roy.

Dr. HASSAN SUHRAWARDY: My resolution is covered by that of Rai Radha Charan Pal Bahadur. If the Government accept it, I have no objection. But there is a difference inasmuch as the Rai Bahadur has specifically mentioned that persons convicted of political offences under certain circumstances and under certain sections of the Indian Criminal Law (Amendment) Act and Seditious Meetings Act, etc., should be treated as first class misdemeanants, whereas my resolution is more general.

The DEPUTY-PRESIDENT: I think I had better put Dr. Hassan Suhrawardy's resolution as amended by Mr. Tarit Bhusan Roy, to vote also.

"This Council recommends to the Government that immediate steps be taken to modify the existing law to accord the same treatment to political prisoners as to first class misdemeanants in England and that pending such modification all Indian prisoners be placed on the same footing as European prisoners with special reference to treatment, food, clothing, bedding accommodation and other facilities and privileges as are provided for in the Bengal Jail Code."

The motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 3 P.M. on the 20th February, 1922, at the Town Hall, Calcutta.

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